



California Regulatory Notice Register

REGISTER 2018, NO. 30-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JULY 27, 2018

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION
Conflict-of-Interest Code — Notice File No. Z2018-0717-02 1143
Amendment
 State Agency: San Francisco Bay Conservation and Development Commission
 Teacher Credentialing Commission
 Multi-County: Exclusive Risk Management Authority of California

TITLE 4. BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS,
 AND THERMAL INSULATION
Amendment of Flammability Standards — Notice File No. Z2018-0713-01 1144

TITLE 5. BOARD OF EDUCATION
Conflict-of-Interest Code — Notice File No. Z2018-0717-03 1146

TITLE 5. BOARD OF EDUCATION
English Language Proficiency Assessments for California — Notice File No. Z2018-0717-01 1147

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Minimum Standards for Training — Notice File No. Z2018-0712-03 1150

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Peace Officer Selection Standards — Notice File No. Z2018-0712-02 1151

TITLE 14. DEPARTMENT OF CONSERVATION
Idle Well Testing and Management — Notice File No. Z2018-0717-07 1154

TITLE 14. DEPARTMENT OF CONSERVATION
Updated Underground Injection Control — Notice File No. Z2018-0717-06 1161

TITLE 14. SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Conflict-of-Interest Code — Notice File No. Z2018-0716-01 1169

(Continued on next page)

***Time-
Dated
Material***

TITLE 17. DEPARTMENT OF PUBLIC HEALTH	
<i>Newborn Screening Fee Increase 2018 — Notice File No. Z2018-0717-04</i>	1169

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE	
<i>CESA Consistency Determination Request for Suisun Marsh Salinity Gates Pilot Study</i>	
<i>Project 2080-2018-007-03 Suisun Marsh and Bay</i>	1175

DEPARTMENT OF FISH AND WILDLIFE	
<i>Habitat Restoration and Enhancement Act Consistency Determination No. 1653-2018-018-001-RI,</i>	
<i>Albion River Large Wood Augmentation Project</i>	1175

DEPARTMENT OF FISH AND WILDLIFE	
<i>Habitat Restoration and Enhancement Act Consistency Determination No. 1653-2018-019-001-RI,</i>	
<i>Upper Little North Fork Big River and Manly Gulch Large Wood Augmentation Project</i>	1178

DEPARTMENT OF FISH AND WILDLIFE	
<i>Habitat Restoration and Enhancement Act Consistency Determination No. 1653-2018-020-001-RI,</i>	
<i>North Branch North Fork Navarro River Large Wood Augmentation Project Phase II</i>	1180

DEPARTMENT OF FISH AND WILDLIFE	
<i>Habitat Restoration and Enhancement Act Consistency Determination No. 1653-2018-021-001-RI,</i>	
<i>Olsen Gulch Large Wood Augmentation Project</i>	1182

DEPARTMENT OF FISH AND WILDLIFE	
<i>Habitat Restoration and Enhancement Act Consistency Determination No. 1653-2018-022-001-RI,</i>	
<i>Upper Signal Creek Large Wood Augmentation Project</i>	1185

DEPARTMENT OF FISH AND WILDLIFE	
<i>Habitat Restoration and Enhancement Act Consistency Determination No. 1653-2018-023-001-RI,</i>	
<i>South Branch North Fork Navarro River Large Wood Augmentation Project</i>	1187

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Development and Reproductive Toxicant Identification Committee Meeting Scheduled for October 11, 2018</i>	
<i>and Availability of Hazard Identification Materials for Nickel and Nickel Compounds</i>	1189

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	1190
Sections Filed, February 14, 2018 to July 18, 2018	1191

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: San Francisco Bay Conservation and Development Commission Teacher Credentialing Commission

MULTI-COUNTY: Exclusive Risk Management Authority of California

A written comment period has been established commencing on July 27, 2018, and closing on September 10, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Sasha Linker, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than September 10, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Sasha Linker, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

INFORMATIVE DIGEST

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Sasha Linker, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 4. BUREAU OF ELECTRONIC
AND APPLIANCE REPAIR, HOME
FURNISHINGS, AND
THERMAL INSULATION**

NOTICE IS HEREBY GIVEN that the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (Bureau) is proposing to take the action described in the Informative Digest. Any interested person may present statements or arguments relevant to the action proposed, orally or in writing, at a hearing to be held at 1747 N. Market Blvd, room # 186, Sacramento, CA 95834, at 9:00 a.m., on September 17, 2018. Webcasting is available at <https://thedcapage.blog/webcasts/>. Participants may also teleconference at (866) 842-2981 (passcode # 4598662).

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on September 17, 2018 or must be received by the Bureau at the hearing. The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 19031, 19034, and 19034.5 of the Business and Professions Code and to implement, interpret, or make specific section 19161 of the Business and Professions Code, the Bureau is considering revising sections 1374 and 1374.3 of Division 3 of Title 4 of the California Code of Regulations, as described in this Notice.

A. Informative Digest/Policy Statement Overview

Pursuant to Business and Professions Code (B & PC) section 19161, the Bureau may adopt regulations that it deems necessary to implement the standards for “Fire Retardant” furniture.

Existing regulations require that filling materials in upholstered furniture used in public-occupied buildings must comply with the California upholstered furniture flammability standard, Technical Bulletin (TB) 117-2013. TB 133 is also a recognized fire-retardant flammability test standard for upholstered furniture used in publicly occupied buildings. This proposal would eliminate the TB 133 test standard and accompanying label requirements because TB 133 is a redundant test standard that causes confusion within the industry and presents unnecessary health risks. Therefore, the Bureau is proposing the following amendments:

Amend section 1374:

The proposed amendment to this section removes the reference to TB 133 and its requirements that all upholstered seating furniture sold for use in publicly occupied buildings shall meet the flammability test requirements set forth in TB 133.

Amend Section 1374.3:

The proposed amendment to this section removes the requirement to have labels on upholstered seating furniture that state the product meets TB 133 flammability requirements.

B. Anticipated Benefits of Proposal

This regulatory action is projected to lower costs of upholstered seating furniture used in public buildings and reduce the need for flame retardants in component materials. The flame retardants are commonly applied to foams, textiles, and polymers during or after production of upholstered furniture to meet the existing TB 133 standard.

In addition, by reducing the need for flame retardant chemicals, this action is anticipated to improve public health by reducing exposure to carcinogenic organohalogen flame retardants.

The primary purpose for amending section 1374.3 is to remove the necessity of the TB 133 label on furniture in publicly occupied buildings. The removal of this requirement aligns this section with the proposed amendment to section 1374 and establishes TB 117-2013 as the standard for furniture in publicly occupied buildings and decreases the exposure to hazardous chemical flame retardants. The proposed amendments also have the added benefit of simplifying the labeling requirements for the manufacturers.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Bureau conducted a search of any similar regulations on this topic and has concluded that there is no reasonable interpretation of any state regulation that is inconsistent or incompatible with the proposed action.

INCORPORATION BY REFERENCE

None.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts or evidence/documents/testimony:

Furniture manufacturers have often cited the added cost of manufacturing TB 133 compliant furniture associated with both labor and material costs, including flame retardants. Therefore, the proposed regulatory action is likely to have a positive impact on California businesses by reducing manufacturing costs.

Also, manufacturers often state that meeting the TB 133 standard results in loss of resiliency and comfort, as well as potential degradation of the highly fire-retardant components materials (such as foams that include flame retardants) in furniture. Elimination of TB 133 may, therefore, result in manufacturers producing longer-lasting furniture at a lower price, while also maintaining high safety standards.

Cost Impact on Representative Private Person or Business:

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed

action. This proposal will have no cost impact affecting current registration fees, business practices, or registration trends. For these reasons, the Bureau anticipates no economic impact on businesses or private person.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulation would not affect small businesses as most small businesses are not employed in the manufacture of TB 133 compliant products. If a small business was employed in the manufacture of TB 133 compliant products, the likely effect would be beneficial, resulting from a decrease in manufacturing costs due to lower labor and material costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Bureau has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs, new or existing businesses, or the expansion of businesses in the State of California.

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will have the following benefits to the health, safety, and welfare of California residents:

This regulatory action is projected to lower costs of upholstered seating furniture used in public buildings and reduce the need for flame retardants in component materials, which are commonly applied to foams, textiles, and polymers during or after production of upholstered furniture to meet the existing TB 133 standard. In addition, by reducing the need for flame retardant chemicals, this action is anticipated to improve public health by reducing exposure to carcinogenic organohalogen flame retardants.

By eliminating the outdated TB 133 standard, this regulatory action will provide clarity to the manufacturing industry by eliminating competing flammability standards.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective

in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau at 4244 South Market Court, Suite D, Sacramento, CA 95834.

**AVAILABILITY AND LOCATION OF THE FINAL
STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Nicholas Oliver
Address: 4244 South Market Court,
Suite D
Sacramento, CA 95834
Telephone No.: (916) 999-2041
E-Mail Address: reg_change@dca.ca.gov

The backup contact person is:

Name: Diana Godines
Address: 4244 South Market Court,
Suite D
Sacramento, CA 95834
Telephone No.: (916) 999-2041
Fax No.: (916) 921-7279
E-Mail Address: reg_change@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.bearhfti.ca.gov.

TITLE 5. BOARD OF EDUCATION

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
STATE BOARD OF EDUCATION**

NOTICE IS HEREBY GIVEN that the State Board of Education, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on July 27, 2018 and closing on September 9, 2018. All inquiries should be directed to the contact listed below.

The State Board of Education proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: designating employee positions that involve influencing, participating in, or making decisions that may foreseeably have a material effect on a financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code; removing a commission that is no longer in existence; adding a commission whose members should be designated filers; and make other technical changes.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 9, 2018, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 24, 2018.

The State Board of Education has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.

3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Donna Neville, Senior Attorney, 916-319-0827, dneville@cde.ca.gov.

Patricia Alverson, Regulations Coordinator
 Administrative Support and Regulations
 Adoption Unit
 California Department of Education
 1430 N Street, Room 5319
 Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on September 10, 2018. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

TITLE 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS FOR CALIFORNIA (ELPAC)

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on September 10, 2018, at 1430 N Street, Room 1103, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.
 References: Sections 306, 313, 37200, 60810, 60812, and 60900, Education Code; 20 U.S.C. Sections 1412, 6311, 6312, 6821, 6823, 6825, 6826, 6841, 6843, and 7801; 34 Code of Federal Regulations Parts 200.6(h)(4) and 200.6(h)(5).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 313 requires school districts, county offices of education and charter schools, collectively referred to as local educational agencies (LEAs), to assess English language proficiency (ELP) of its pupils to the extent required by federal and state law. Assessment of a pupil's ELP is required upon initial enrollment after a survey of a pupil's language indicates a primary or native language other than English, and annually thereafter until a pupil is redesignated as English proficient. The CDE is responsible for the oversight of

the state test of ELP, as set forth in Education Code sections 313 and 60810.

The English Language Proficiency Assessments for California (ELPAC) regulations were approved on June 5, 2017, and became effective on October 1, 2017. Since the approval of the regulations, the CDE has received feedback and is proposing amendments to the current regulations based on educator and test examiner feedback from field test and operational administrations, as well as to reflect additional changes in test administration determined by the test contractor and the CDE, and cognitive labs currently being conducted. In addition to the reasons stated above, the CDE is also proposing changes to the regulations to provide clear and consistent language between the regulations and the administration of the ELPAC and the ELPAC testing materials.

Senate Bill (SB) 201 (Chapter 478, Statutes of 2013), amended existing Education Code sections 313 and 60810 (SB 201, sections 2 and 5) and added new Education Code sections 313 and 60810 (SB 201, sections 3 and 6). Newly added Education Code section 60810, subdivisions (d) and (f), requires two separate assessments: (1) an initial assessment to determine if a pupil is an English learner (EL), as defined by Education Code section 306; and (2) an annual summative assessment to identify an EL's level of ELP, and also to measure an EL's progress in learning English. Combined, these assessments are described as the ELPAC. Currently, the California English Language Development Test (CELDT) serves the purpose of initial identification, and the ELPAC serves as the summative assessment. Beginning July 1, 2018, the initial ELPAC will be operational and the CELDT will no longer be in operation. Education Code section 313(d)(2) (SB 201, section 3), specified the ELPAC summative assessment is to be conducted annually during a four-month period after January 1 determined by the State Superintendent of Public Instruction (SSPI), with the approval of the SBE.

In addition, Assembly Bill (AB) 124 (Chapter 605, Statutes of 2012) required the SSPI, in consultation with the SBE, to update, revise, and align English Language Development Standards (ELD Standards) to the State's English language arts standards. As required by AB 124, the SBE adopted the updated and revised ELD Standards in November 2012. The new ELPAC initial and summative assessments required by SB 201 will be aligned to the 2012 ELD Standards, as required by Education Code section 60810, subdivisions (c)(5) and (e)(7) (SB 201, section 6). The ELPAC assessments will be administered in the place of CELDT once they are ready for administration, as specified in Education Code section 60810(f) (SB 201, section 5) and Education Code section 60810(h) (SB 201, section 6).

These proposed regulations are necessary in order for LEAs to successfully assess the ELP of eligible pupils using the new ELPAC initial and summative assessments, which are required by the provisions of Education Code sections 313 and 60810 (SB 201 sections 3 and 6). Through this rulemaking process, the SBE will define additional roles in the administration and scoring of the ELPAC, provide consistent language throughout the regulations, include the provision of a disability exemption per the Every Student Succeeds Act (ESSA) (34 Code of Federal Regulations 200.6), addition of and revisions to accommodations for ELs with disabilities, and clarifying language for LEAs for responsibilities of testing materials. Overall, these proposed regulations are necessary to provide specificity and consistency of administration of the ELPAC by LEAs. Therefore, the SBE proposes to amend the California Code of Regulations, title 5, by amending sections 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, and 11519.5 to implement Education Code sections 313 and 60810 (SB 201, sections 3 and 6).

Anticipated Benefits of the Proposed Regulation

The benefits of the proposed regulations include statewide consistency for the administration and scoring of the ELPAC initial and summative assessments to all eligible pupils. The proposed regulations include changes resulting from test development, feedback from field testing, feedback from the administration of the first summative operational assessment, and changes for testing students with disabilities per ESSA which allows for a disability exemption for students who cannot access a domain(s).

In order for all eligible pupils to access valid and reliable assessments of ELP consistent with state and federal law, these regulations propose a consistent procedure for statewide administration of the ELPAC by LEAs.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to ELPAC and found that none exist that are inconsistent or incompatible with these regulations regarding ELPAC testing.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local agencies, including local educational agencies: None.

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the regulations apply to and impact only public LEAs and do not apply to or impact businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit LEAs by establishing consistent language throughout the regulations, providing clarification on roles for administration and administration of the initial assessment, communicating approved accommodations, and clean up language based upon changes in test development.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private

persons and equally effective in implementing the statutory policy or other provision of law.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Johanna Harder, Education Programs Consultant
Assessment Development & Administration
Division
California Department of Education
1430 N Street, Room 4401
Sacramento, CA 95814
Telephone: 916-319-0651

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulations and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's website at <http://www.cde.ca.gov/re/lr/rr/>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Johanna Harder, Assessment Development & Administration Division, 1430 N Street, Room 4401, Sacramento, CA, 95814; telephone, 916-319-0651. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by September 10, 2018, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to:

Commission on POST
Attn: Cheryl Smith
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code §13503 (authority of Commission on POST) and Penal Code §13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code §13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code § 13511 requires that POST adopt regulations providing for alternative means for satisfying the training required by Penal Code § 832.3. The revision would update the basic course waiver application to include: updating language to be consistent with current regulation, adding electronic payment, and increasing the application fee.

The benefit anticipated by the proposed amendments to the regulations will be to stay consistent with current practice, ensure the regulations are clear and concise, and meet the needs of POST's clients.

The specific benefits anticipated by the proposed amendments to the regulations will be to increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

During the process of developing these regulations and amendments, POST has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code §§ 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California business, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement, which does not impact California businesses, including small businesses.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT PER GOVERNMENT
CODE § 11346.3(b)

The adoption of the proposed amendments of regulations will neither create, nor eliminate, jobs in the State of California, nor result in the elimination of existing businesses or create, or expand, businesses in the State of California.

The proposed amendments of regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no impact that would affect worker safety or the state's environment.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSONS OR BUSINESSES

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the Commission, would be more effective in carrying out the purpose for which the action is proposed; or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally

effective in implementing the statutory policy or other provision of law than the proposed action.

CONTACT PERSON

Questions regarding this proposed regulatory action may be directed to Cheryl Smith, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at cheryl.smith@post.ca.gov, or (916) 227-0544. The alternate contact is Mike Barnes at (916) 227-3454. General questions regarding the regulatory process may be directed to Christy Correa at (916) 227-4847, christy.correa@post.ca.gov, or by FAX at (916) 227-5271.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

AVAILABILITY AND LOCATION OF THE
RULEMAKING FILE AND THE FINAL
STATEMENT OF REASONS

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) named above.

**TITLE 11. COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by September 10, 2018, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by email at

melani.singley@post.ca.gov, by fax at (916) 227-0476, or by letter to:

Commission on POST
Attention: Melani Singley
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The POST Peace Officer Selection Requirements are contained in Commission Regulations 1950-1955. Proposed changes to the regulations provide clarification and consistency with current requirements and those outlined in Government Code section 1031(f). The proposed changes to Regulation 1953 (Background Investigation) and 1955 (Psychological Evaluation) clarify the requirements for conducting an interim chief background investigation update and provide specific continuing professional education (CPE) training requirements for peace officer psychological evaluators.

Currently, POST regulations provide for updated background investigations for interim chiefs of police when certain requirements are met. However, there is no specific definition as to what the update should include. The proposed regulation will clarify that the update includes investigating any new background information from the time of the last complete background investigation for the interim chief to the current date of hire. The update must also minimally include criminal history, DMV and credit checks.

Government Code section 1031(f) requires that peace officer screening psychologists adhere to POST education and training requirements. To meet this mandate, in 2013 POST implemented a continuing professional education (CPE) requirement. Currently, psychologists are required to complete six hours of POST-approved CPE prior to conducting evaluations and subsequently complete 12 hours of CPE every license renewal cycle (i.e. every 24 months). However, there are

no specific courses that psychologists are required to complete. Rather, they can select from any of the courses on the POST-approved CPE list ranging from courses on specific assessments (i.e. MMPI) to those offering training on second opinion evaluations. The proposed change would require that psychologists complete a specific training course developed by POST. The proposal would replace the initial six (6) hour CPE requirement with the POST-developed Peace Officer Psychological Screening Manual book-based (online) exam. Completion of this requirement provides the psychologist with eight hours of POST CPE, which can also be used to fulfill their continuing education (CE) hours required for licensure, as POST is an approved provider with the California Psychological Association (CPA). To offset the cost of Learning Portal system maintenance fees and California Psychological Association (CPA) provider fees, which allows POST to provide CE units to psychologists, POST charges a \$75 fee for the book-based exam. As a comparison, similar book-based exams offered for CE credit through the American Psychological Association cost between \$120-\$200. The POST fee is consistent with and, in general, below the cost of CE units required for licensure. Psychologists are required to complete 36 hours of CE during their two-year license cycle. This course and any subsequent POST-developed training will provide CE credit, in addition to fulfilling POST's CPE requirements. The online course must be passed with a minimum score of 80% (40 out of 50 questions correct) and psychologists are given two attempts to pass the exam. Roughly half of the psychologists on the POST evaluators list have already taken and passed the exam. The remaining psychologists will need to meet this requirement by July 1, 2019. New psychologists must fulfill this requirement prior to conducting any peace officer psychological evaluation.

Requiring this specific training will help ensure that all psychologists who conduct these types of evaluations have foundational knowledge of POST requirements and associated guidance on how to conduct peace officer psychological evaluations. They could then further enhance their training through other relevant, and perhaps broader, courses approved for CPE credit. The additional proposed requirements would be for psychologists to complete any POST-developed update training, as/when necessary. This will further ensure that psychologists remain familiar with any new POST regulations, the law and/or guidance in conducting peace officer evaluations. As with the book-based exam, any update training developed by POST would be offered on-line to ensure that it is readily available to all psychologists.

The specific benefits anticipated by the proposed changes to the regulations will be to provide economic

relief to departments by allowing them to conduct updated background investigations for interim chiefs of police. It would also serve to allow departments to be more responsive and efficient in responding to shortages of their command staff, which could provide a benefit to public health and safety. Further, it will benefit departments by ensuring that their psychological evaluators are knowledgeable of State law and POST regulations prior to conducting preemployment screening of peace officers. There would be no perceived effect to benefits in worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code Sections 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small

Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement, which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SEC. 11346.3(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to provide economic relief to departments who are rehiring peace officers within a specified time frame after a voluntary separation from service. There would be no impact that would affect worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Melani Singley, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at melani.singley@post.ca.gov, or (916) 227-4258. The back-up contact person is Phil Caporale who may be reached at phil.caporale@post.ca.gov or (916) 227-4832.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon from the Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST website.

AVAILABILITY AND LOCATION OF THE
RULEMAKING FILE AND THE FINAL
STATEMENT OF REASONS

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) named above.

**TITLE 14. DEPARTMENT OF
CONSERVATION**

**REQUIREMENTS FOR IDLE WELL TESTING
AND MANAGEMENT**

**NOTICE OF PROPOSED RULEMAKING
ACTION REGARDING
TITLE 14. NATURAL RESOURCES
DIVISION 2. DEPARTMENT
OF CONSERVATION
CHAPTER 4. DEVELOPMENT,
REGULATION, AND CONSERVATION OF OIL
AND GAS RESERVES**

Office of Administrative Law Notice File Number:
Z2018-0717-07

NOTICE IS HEREBY GIVEN that the California Department of Conservation (Department) proposes to

adopt the regulations described below after consideration of all comments, objections, and recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD AND PUBLIC
COMMENT HEARINGS

Any person or their authorized representative may submit written statements, arguments, or comments relevant to the proposed regulatory action to the Department. Comments may be submitted by email to DOGGRRegulations@conservation.ca.gov, by facsimile (FAX) to (916) 324-0984, or by mail to:

Department of Conservation
ATTN: Idle Well Testing and Management
Regulations
801 K Street, MS 24-02
Sacramento, CA 95814

The written comment period closes at 5:00 p.m. on September 13, 2018. The Department will consider only comments received at the Department's offices by that time.

Any interested person or their authorized representative may present comments regarding the proposed action, either orally or in writing, at one of the public hearings to be held at the following times and places:

- Bakersfield — September 12, 2018 9:00 a.m.-12:00 p.m. Four Points by Sheraton Bakersfield, 5101 California Avenue, Bakersfield, CA 93309.
- Los Angeles — September 13, 2018 9:00 a.m. - 12:00 p.m. Ronald Reagan State Building, 300 South Spring Street, Los Angeles, CA 90013.

Services, such as translation from English to other languages, may be provided upon request. To ensure availability of these services, please make your request no later than ten working days prior to the hearing by calling the staff person referenced in this notice.

Servicios, coma traducción de Inglés a otros idiomas, pueden hacerse disponibles si usted los pide en avance. Para asegurar la disponibilidad de éstos servicios, por favor haga su petición al mínimo de diez días laborables antes de la reunion, llamado a Tim Shular, (916) 322-3080, la persona del personal mencionada en este aviso.

AUTHORITY AND REFERENCE

The Department is considering making changes to Subchapters 1 and 2 of Chapter 4 of Division 2 of Title 14 of the California Code of Regulations by the amendment of sections 1723.9 and 1760 and the adoption of sections 1752, 1772, 1772.1, 1772.1.1, 1772.1.2, 1772.1.3, 1772.2, 1772.3, and 1772.4.

Public Resources Code sections 3013 and 3206 authorizes the Department to adopt the proposed regulations. The proposed regulations will implement, interpret, make specific, or reference sections 3008, 3106, 3206, and 3206.1.

INFORMATIVE DIGEST/POLICY STATEMENT

Existing Law

The Division of Oil, Gas, and Geothermal Resources (Division), within the Department of Conservation, supervises and regulates oil, gas, and geothermal well operations, including the testing, management, and abandonment of idle wells, throughout the State. (See Pub. Resources Code, § 3106.) The Division carries out its regulatory authority to encourage the sensible development of oil and gas resources, while preventing damage to life, health, property, and natural resources. Existing regulations require operators to conduct a fluid level test on any well that has not produced oil or natural gas or been used for fluid injection for a continuous six-month period during any consecutive five-year period. (Cal. Code of Regs., tit. 14, § 1723.9.) Additional tests or remedial operations may be required if the fluid level is located above or adjacent to freshwater or potential drinking water zones, or as specified by the appropriate Division district deputy. (*Id.*) Subsequent testing periods shall be based on the fluid level in the well, the well’s location in relation to freshwater zones, mitigation measures taken by the operator to prevent fluid migration, or other factors determined by the appropriate Division district deputy, upon a showing of good cause. (*Id.*)

Assembly Bill 2729 (Williams, Chapter 272, Statutes of 2016) (AB 2729), which became effective on January 1, 2017, requires the Division to review, evaluate, and update its regulations pertaining to idle wells. The update must include requirements for, at a minimum:

- Appropriate testing to determine whether the fluid level is above the base of an underground source of drinking water.
- Appropriate testing to verify the mechanical integrity of the well.
- Appropriate remediation of idle wells if there is an indication of a lack of mechanical integrity.
- An engineering analysis for a well that has been an idle well for 15 years or more that demonstrates to the Division’s satisfaction that the well is viable to be returned to operation in the future.

Proposed Regulations

The Division regulates more than 28,000 idle wells statewide. It is not uncommon for wells to become idle once they are no longer financially viable to operate due

to market fluctuations, operator resources, or the lack of hydrocarbon resources. Further, some exploratory wells are never productive and are essentially idle from the date that they are drilled. Existing requirements provide operators with little incentive to properly plug and abandon idle wells, and Division statistics reveal that very few of these wells are ever returned to use. Idle wells that are not properly tested and maintained for integrity pose a range of threats to life, health, safety, and natural resources, including potential contamination of groundwater, dilution of hydrocarbon resources, and emission of methane and other gases into the atmosphere.

AB 2729 adopted Public Resources Code section 3206.1, which requires the Division to review, evaluate, and update its regulations pertaining to idle wells, including appropriate testing and remediation. It also required the Division to establish requirements for operators to submit engineering analyses for idle wells that have been idle for 15 or more years that demonstrate that the well is viable to return to operation in the future.

The proposed regulations are intended to augment the Division’s current regulatory framework for idle well testing and maintenance with the following objectives:

- Address fluid level testing requirements for all idle wells.
- Provide a comprehensive testing regime for idle wells.
- Require a standardized and comprehensive set of information for each idle well as a way to create a risk-based approach for the prioritization of wells to be plugged and abandoned.
- Address mechanical integrity testing requirements that allow operators to test each idle well according to the risk that the well poses.
- Provide a regulatory framework for engineering analyses for idle wells that have been idle for 15 or more years.
- Provide a testing waiver program that would avoid unnecessary testing for idle wells selected for plugging and abandonment.
- Provide requirements for the partial plugging of a well and mechanical integrity testing standards for a partially plugged idle well.
- Provide a regulatory framework that would require operators to test and monitor the integrity of observation wells.
- Allow for the verification of injection or production of any well that reported such activity.

These proposed regulations concerning the testing, maintenance, and abandonment of idle wells and observation wells respond to the mandate of Public Resources Code section 3206.1, as well as the Division’s broader mandate under Public Resources Code section

3106, by requiring more rigorous testing of idle wells and observation wells, operator evaluations of idle wells, and engineering analyses for idle wells that have been idle for 15 or more years. The proposed regulations will protect the public health and safety, natural resources, and the environment by ensuring that wells are not allowed to become a potential conduit for contamination of groundwater, dilution of hydrocarbon resources, or leaking methane into the atmosphere.

Consistency with Comparable Federal Statutes or Regulations

The proposed regulations are not inconsistent or incompatible with federal statutes or regulations. The Division is the main regulatory body for idle wells in the state of California. However, on federal land, the Bureau of Land Management (BLM) and the Division both have regulatory jurisdiction. Federal regulations require operators to promptly plug and abandon wells newly completed or recompleted wells in which oil or gas is not encountered in paying quantities or is no longer capable of producing oil or gas in paying quantities, possibly due to casing damage, unless BLM approves use as a service well for injection or subsurface disposal. (43 CFR, § 3162.3–4, subd. (a).) Also, no wells may be temporarily abandoned for more than 30 days without BLM approval. (43 CFR, § 3162.3–4, subd. (c).) The proposed regulations for the testing and maintenance of idle wells and observation wells are more stringent than the federal counterpart and more protective of the public and environment. Nothing in the proposed regulations is inconsistent or incompatible with federal statutes or regulations.

Consistency with Existing State Regulations

The proposed regulations are not inconsistent or incompatible with existing state regulations. The Division is the regulatory agency responsible for supervising the drilling, operation, maintenance, and abandonment of oil and gas wells statewide, and is the only state agency that imposes requirements for testing and maintenance of these wells.

PLAIN ENGLISH REQUIREMENT

The Department staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code section 11349, subdivision (c), and the plain English requirements of Government Code sections 11342.580 and 11346.2, subdivision (a)(1). The proposed regulations are written so as to be easily understood by the persons who will use them.

LOCAL MANDATE

The proposed action does not impose a mandate on local agencies or school districts.

COST OR SAVINGS TO STATE AGENCIES

To implement the Department’s Idle Well Program, the Department required a baseline appropriation of approximately \$1.5 million the first year and roughly \$2.5 million per year ongoing. These expenditures have been approved by the Legislature.

The Department anticipates that there may be some minor cost savings to other state agencies. The California Air Resources Board regulates fugitive emissions from wells and facilities in oil and gas fields. To the extent that increased testing and oversight motivates operators to plug and abandon idle wells, less oversight is required. The State Water Resources Control Board collaborates with the Department in underground injection control projects in order to protect the State’s water resources. As idle wells are plugged and abandoned, the risk that they pose to those water resources is reduced or eliminated.

COST OR SAVINGS TO LOCAL AGENCIES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

COST OR SAVINGS IN FEDERAL FUNDING

The proposed action does not affect federal funding to the State.

EFFECT ON HOUSING COSTS

The proposed regulations will not have a significant effect on housing costs.

IMPACT ON BUSINESS

The proposed regulations will directly affect owners of idle wells and observation wells. The following compliance requirements that are projected to result from the proposed regulations will:

- Require testing on partially plugged wells.

- Require the preparation and submittal of an Idle Well Inventory and Evaluation.
- Require more rigorous testing for idle wells.
- Require the preparation and submittal of engineering analyses for idle wells that have been idle for 15 or more years.
- Allow operators to prepare and submit a testing waiver plan to forgo testing on idle wells that are scheduled to be plugged and abandoned within five years.
- Require testing on observation wells.
- Require operators to verify production or injection for a well when requested by the Division.

The Division made an initial determination that the adoption of these regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. However, the Division believes that each of these requirements is necessary to accomplish the statutory mandates of Public Resources Code sections 3106 and 3206.1. The Division has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit additional proposals. Submissions may include the following considerations:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- Consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

This rulemaking will affect owners and operators with idle wells and/or observation wells.

RESULTS OF THE STANDARDIZED REGULATORY IMPACT ASSESSMENT

The Division determined that this rulemaking action is a major regulation and has completed a Standardized Regulatory Impact Assessment (SRIA). The SRIA, Department of Finance (DOF) comments on the SRIA, and the Division's response to DOF's comments are included in the Initial Statement of Reasons for this rulemaking action.

The SRIA found that the typical operator with idle wells has the ability to absorb the costs associated with the proposed regulations and will not be deterred from continuing operations. However, the SRIA also found small operators may not be able to absorb the cost associated with the proposed regulations and may decide to

exit the industry. For these reasons, the Division made the following determinations:

- The proposed regulations will affect the creation or elimination of jobs within the State of California.
- The proposed regulations will likely affect the creation of new businesses or the elimination of existing businesses within the State of California.
- The proposed regulations may affect the expansion of businesses currently doing business in the State of California.
- The proposed regulations may affect the ability of businesses within California to compete with businesses in other states.
- The proposed regulations may affect the competitive advantages or disadvantages for businesses currently doing business in the State of California.
- The proposed regulations may affect the increase or decrease of investment in the State of California.
- The proposed regulations will not likely affect incentives for innovation in products, materials, or processes.

Further, the Department determined that the proposed regulations will result in nonmonetary benefits such as protection of public health and safety and environmental health and safety. Specifically, benefits are:

- Prevention of fugitive emissions from damaged idle wells.
- Prevention of migration of fluids between hydrocarbon zones and underground sources of drinking water.
- Reduced risks to public health and safety associated with idle wells located in urban or sensitive areas.
- Reduced state liability for hazardous idle wells that are deserted by operators.
- New employment as a result of the increased need for oil and gas contract services to meet testing requirements and to conduct plugging and abandonment operations.

COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Most of the State's idle wells are owned by large operators (12 operators own 72 percent of the State's idle wells). Thus, the Division considers a representative business to be a relatively large operator. The proposed regulations will likely require operators to divert spending from other priorities such as production, research and development, and other investment decisions to

cover the additional costs imposed by new testing, plugging and abandonment, and other elements of the regulations. Not only are the proposed regulations likely to reduce operators' profit margins in the short-term, they may delay investments in new production to some extent. Despite these new compliance costs, the Division expects representative operators with large inventories of idle wells (and the largest cost exposure to the new regulatory requirements) to be able to absorb the costs, particularly in the long-term.

While the regulatory requirements will impose costs on owners of idle wells, the results of the SRIA concluded that the proposed regulations will also provide economic benefits to individuals, the public, communities, and both large and small businesses within the state by providing a robust market for professional services. Much of the required work involving testing, plugging and abandonment, and remediation is likely to be performed by service contractors who have the necessary equipment and skill to meet the increased demand imposed by the proposed requirements.

Based on conservative assumptions that overestimate costs, representative operators will be responsible for the majority of the average \$214 million cost burden over the first six years of implementation. In turn, the majority of the indirect economic benefits from this regulatory spending could yield up to a six-year annual average of about \$284 million in gross output, \$83 million in earnings, 1,231 jobs, and \$185 million in value added.

SUMMARY OF DOF COMMENTS ON STANDARDIZED REGULATORY IMPACT ASSESSMENT

The Department of Finance (DOF) generally concurred with the Division's SRIA for the proposed regulations and found that it meets the requirements for the SRIA, but added two critiques of the SRIA. DOF's comments on the SRIA and the Division's response are summarized as follows:

- *DOF Comment: The SRIA should address how the increased industry costs could decrease California oil production, which has been declining over the last few decades.*

Division Response: California's oil production has been steadily declining since the mid-1980s. The Division does not believe that the costs associated with the proposed regulations are a significant determinant in the State's decreased production. The main reason for the decline that predates the Division's pending proposed regulations is California's depletion of easily recoverable oil reserves. Throughout the 20th

century, California has been a nationwide leader in oil production. The State's long history of oil extraction means that most of the easily accessible oil has already been recovered via primary and secondary methods of hydrocarbon production. In most fields, the State is now in the tertiary phase of oil recovery that requires more expensive and intensive methods of oil extraction. As a result, oil recovery has decreased over time, even in the absence of strong regulations. Even in the years where the average annual price of crude oil has increased, production has only increased marginally or remained constant compared to the prior year without being able to match production levels from prior decades.

The costs of compliance identified in the SRIA are eclipsed by the value of swings in oil prices observed over the last 15 years and are likely to have a minimal to insignificant impact on oil production in the short-term. The Division believes that the costs associated with the proposed regulations will likely decrease operator profits in the short-term as operators divert funding and resources to meet the compliance requirements of the proposed regulations. However, the short-term impact of profits caused by the compliance costs of the proposed regulations are a small fraction of typical fluctuations in oil and gas prices in any given year. As such, the price of oil will have a far larger impact on operator decisions to invest in production than the cost of the regulations.

- *DOF Comment: If imports have to increase, the carbon intensity of California fuel may increase, potentially making other emissions reductions necessary to meet state goals.*

Division Response: It is possible that the increasing reliance on imported oil could increase the carbon intensity of fuel used in California. However, the carbon intensity of fuels is determined by a number of factors in addition to emissions produced during transportation. For example, in some cases, the carbon intensity of crude oil, including transportation emissions, could be lower from fields in other states or nations than crude produced in California. While, according to data from the California Air Resources Board's (CARB) Low Carbon Fuel Standard program, oil from California fields has an average carbon intensity of 7 (g/MJ), some of the State's largest producing fields have relatively high carbon intensity. For example, the State's largest producing oil fields, Midway-Sunset, Kern River, South Belridge, and Cymric have a

carbon intensity of 25.05 (g/MJ), 9.63 (g/MJ), 14.84 (g/MJ), and 19.23 (g/MJ) respectively. California's current primary sources of imports are Saudi Arabia and Alaska. Alaska's carbon intensity is 12.91 (g/MJ) and Saudi Arabia ranges from 8.66 to 9.35 (g/MJ). As the Trans Mountain Pipeline is completed in Canada, California may consume more Canadian oil.

Regardless of where California's crude oil comes from, the transportation sector remains by far the largest source of carbon emissions at 41 percent. As a result, a reduction in oil production will have very little impact on overall greenhouse gas (GHG) emissions in the State compared to the actual consumption of fuel in transportation. In order to meet future GHG reduction goals, emissions reductions from the fuel sector will likely have to be driven by reducing both vehicle miles traveled as well as increasing the use of electric vehicles, biofuels, hydrogen fuel cells, and other alternative means of transportation. Even if oil production were to increase as prices rise, emissions from the fuel sector will eventually have to be reduced. The California Air Resources Board has broad authority to regulate transportation emissions and, along with the California Energy Commission provides several incentives for households and transportation companies to switch to lower emission transportation technologies. As we approach the recently enacted goal of reducing emissions 40 percent below 1990 levels by 2030, it is likely that transportation emissions will need to be cut well beyond any possible increase in fuel carbon intensity, if any, imposed by these proposed regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Division must determine that no reasonable alternatives that it considered, or that were otherwise identified and brought to the Division's attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Division has engaged in substantial pre-rulemaking workshops and discussions. Numerous critiques and comments were evaluated, and some suggested more cost-effective alternatives that met the goals of the proposed regulations were incorporated in-

to what is being proposed here. Additionally, the SRIA for the proposed regulations evaluates alternatives to the proposed regulations. No alternative considered by the Division thus far would be more effective in carrying out the purposes of the proposed regulations, or would be equally effective but less burdensome to affected private persons and small businesses than the proposed regulations. The proposed regulations will further the statutory mandates and regulatory goals for idle wells; reduce risks to health, safety and the environment; and promote transparent oversight and evaluation of idle wells.

Nevertheless, the Department invites interested persons to submit comments regarding alternatives to the proposed regulations during the written comment period, or to present any such comments regarding alternatives, either orally or in writing, at the hearings scheduled to receive comments relative to the proposed action.

FINDING OF NECESSITY OF REPORTS

The Division has found that it is necessary for the health, safety, or welfare of the people of the State that this regulation which requires a report apply to businesses.

IMPACT ON SMALL BUSINESS

For purposes of the SRIA accompanying the proposed regulations, the Division defined a small business as any operator with positive oil and gas production and less than \$15 million each in estimated gross revenue in 2017. One hundred and fifty-three (153) operators meet this standard, representing 13 percent of all operators with idle wells. The 153 operators collectively own 2,318 idle wells and generated over \$222 million in 2017, or nearly 2.5 percent of the \$8.9 billion gross revenue among all idle well owners.

On average, the direct costs make up 5.6 to 10.2 percent of the gross revenue for the small operator. The direct costs could have a significant impact on these operators, particularly the ones who do not produce much oil or gas. The costs of compliance to a small operator will reduce his or her profit margins and negatively impact investment decisions in the short-term. The funds necessary to comply with the proposed regulations would likely be diverted from direct production activities in this case, which could restrict an operator's ability to produce to its full productive capacity. Even in the absence of the proposed regulations, a small operator is far more likely than a large operator to declare bankruptcy and desert its idle wells, which will then trigger enforcement actions by the Division. The proposed regulations are intended to address idle wells owned by small oper-

ators while the small operators are still financially solvent.

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Tim Shular
Office of Governmental and Environmental
Relations
Department of Conservation
801 K Street, MS 24-02
Sacramento, CA 95814
Phone: (916) 322-3080
Email: DOGGRRegulations@conservation.ca.gov

The backup contact for these inquiries is:

Blair Gollihur
Office of Governmental and Environmental
Relations
Department of Conservation
801 K Street, MS 24-02
Sacramento, CA 95814
Phone: (916) 322-3080
Email: DOGGRRegulations@conservation.ca.gov

AVAILABILITY OF RULEMAKING FILE

The Department prepared an initial statement of reasons for the proposed action, and has available all the information upon which its proposal is based, and the express terms of the proposed action. The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the initial statement of reasons, the documents relied upon, the standardized regulatory impact assessment, and a standard form 399.

Copies of these documents may be obtained by contacting Tim Shular at the address and phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period and any hearing(s) that may be conducted by the Department to receive comments regarding the proposed regulations, the Department will consider all timely and relevant comments received. Thereafter, the Department may adopt the proposed regulations in substantially the same form as described in this notice.

If the Department makes any modifications to the text of the proposed regulations that are substantial, but sufficiently related to the original proposed text described in this notice, the Department will make the modified text (with changes clearly indicated) available to the public for at least 15 days before adopting the proposed regulations as modified. The Department will accept written comments regarding modified regulations for 15 days after the date upon which they are made available to the public. Please send requests for copies of any modified regulations to Attention: Idle Well Testing Regulations at the address indicated above.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Tim Shular at the address indicated above. The Final Statement of Reasons will also be available on our website at http://www.conservation.ca.gov/dog/general_information/Pages/IdleWells.aspx.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strike out can be accessed through our website at: <http://www.conservation.ca.gov>.

If you have any questions regarding the process for this proposed action, please contact Tim Shular, Office of Governmental and Environmental Relations, at (916) 322-3080, or by email at DOGGRRegulations@conservation.ca.gov.

TITLE 14. DEPARTMENT OF CONSERVATION

UPDATED UNDERGROUND INJECTION CONTROL REGULATIONS

**TITLE 14. NATURAL RESOURCES
DIVISION 2. DEPARTMENT OF CONSERVATION
CHAPTER 4. DEVELOPMENT, REGULATION, AND CONSERVATION OF OIL AND GAS RESOURCES**

Office of Administrative Law Notice File Number:
Z2018-0717-06

NOTICE IS HEREBY GIVEN that the California Department of Conservation (Department) proposes to adopt the regulations described below after consideration of all comments, objections, and recommendations regarding the proposed action. With this rulemaking, the Department will propose permanent regulations after the consideration of all comments, objections, and recommendations.

WRITTEN COMMENT PERIOD AND PUBLIC COMMENT HEARINGS

Any person or their authorized representative may submit written statements, arguments, or comments relevant to the proposed regulatory action to the Department. Comments may be submitted by email to UIC.Regulations@conservation.ca.gov, by facsimile (Fax) to (916) 324-0948, or by mail to:

ATTN: Updated UIC Regulations
Department of Conservation
801 K Street, MS 24-02
Sacramento, CA 95814

The written comment period closes at 5:00 p.m. on September 13, 2018. The Department will consider only comments received at the Department's offices by that date.

Any interested person or their authorized representative may present comments regarding the proposed action, either orally or in writing, at one of the public hearings to be held at the following times and places:

- Bakersfield — September 12, 2018 1:00 p.m.–4:00 p.m. Four Points by Sheraton Bakersfield, 5101 California Avenue, Bakersfield, CA 93309.

- Los Angeles — September 13, 2018 1:00 p.m.–4:00 p.m. Ronald Reagan State Building, 300 South Spring Street, Los Angeles, CA 90013.

Services such as translation between English and other languages may be provided upon request. To ensure availability of these services, please make your request no later than ten working days prior to the hearing by calling the staff person referenced in this notice.

Servicios coma traducción de Inglés a otros idiomas pueden hacerse disponibles si usted los pide en avance. Para asegurar la disponibilidad de éstos servicios, por favor haga su petición al minimo de diez días laborales antes de la reunion, llamando a la persona del personal mencionada en este aviso.

AUTHORITY AND REFERENCE

The Department is considering making changes to Subchapters 1 and 1.1 of Chapter 4 of Division 2 of Title 14 of the California Code of Regulations as follows: add sections 1720.1, 1724.7.1, 1724.7.2, 1724.8, 1724.10.1, 1724.10.2, 1724.10.3, 1724.11, 1724.12, 1724.13, and 1724.14; amend sections 1724.6, 1724.7, 1724.10, and 1748; and delete existing sections 1724.8, 1748.2, and 1748.3.

Public Resources Code sections 3013 and 3106 authorize the Department to adopt the proposed regulations. The proposed regulations will implement, interpret, make specific, or reference sections 3106 and 3236.5 of the Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT

Existing Law

Regulation of Underground Injection Wells Associated with Oil and Gas Production

The Division of Oil, Gas, and Geothermal Resources (Division), within the Department of Conservation (Department), supervises the drilling, operation, maintenance, and plugging and abandonment of onshore and offshore oil, gas, and geothermal wells. The Division carries out its regulatory authority under a dual legislative mandate to encourage the wise development of oil and gas resources, while preventing damage to life, health, property, and natural resources, including underground and surface waters suitable for domestic or irrigation purposes. (Pub. Resources Code, § 3106.) Wells that inject fluid for the purposes of enhancing oil or gas recovery, repressuring oil or gas reservoirs, or disposing of wastewater and other byproducts associated with oil and gas production are among the wells the Division regulates.

The Division's existing regulations specific to injection wells, often referred to as the underground injection

tion control, or “UIC,” regulations, are located in sections 1724.6 through 1724.10 of Title 14 of the California Code of Regulations. The existing regulations require written approval from the Division before injection associated with oil or gas production can begin, and set forth specific data requirements that an applicant must satisfy before the Division will approve an injection project. (Cal. Code Regs., tit. 14, §§ 1724.6, 1724.7.) Project data requirements include engineering studies (including reservoir characteristics and casing diagrams), geologic studies (including structural contour and isopach maps), and injection plans (including identification of the proposed maximum anticipated surface injection pressure and proposed monitoring system or methods to ensure no damage is occurring). (Cal. Code Regs., tit. 14, § 1724.7.)

Approved injection projects are subject to additional filing, notification, and operating and testing requirements throughout their operational lifespan. (See Cal. Code Regs., tit. 14, § 1724.10.) Among other requirements, Division regulations provide that all piping, valves, and facilities shall meet or exceed design standards for the maximum anticipated injection pressure, and shall be maintained in a safe and leak-free condition. (Cal. Code Regs., tit. 14, § 1724.10, subd. (f).) Most injection wells other than those that inject steam, are required to be equipped with tubing and packer. (Cal. Code Regs., tit. 14, § 1724.10, subd. (g).) Accurate operating pressure gauges or recording devices must be available at all times, and wells must be equipped for installation and operation of such devices. (Cal. Code Regs., tit. 14, § 1724.10, subd. (e).) The operator must also perform tests to establish the maximum allowable surface injection pressure, perform tests to demonstrate ongoing mechanical integrity of the well, and maintain data to establish that no damage to life, health, property, or natural resources is occurring by reason of the injection project. (Cal. Code Regs., tit. 14, § 1724.10, subs. (h), (i) and (j).) A chemical analysis of the injection fluid must also be made and filed with the Division. (Cal. Code Regs., tit. 14, § 1724.10, subd. (d).)

Division Primacy to Enforce an Underground Injection Control Program Pursuant to the Federal Safe Drinking Water Act

In addition to implementing California statutory mandates such as those in Public Resources Code section 3106, the Division’s UIC regulations also implement the federal Safe Drinking Water Act pursuant to a primacy delegation from the United States Environmental Protection Agency (US EPA). Enacted in 1974, the federal Safe Drinking Water Act directed US EPA to develop federal standards for the protection of the nation’s public drinking water supply. Section 1425 of the

Safe Drinking Water Act allows states to obtain primary enforcement responsibility (often referred to as “primacy”) to regulate the underground injection of fluids associated with oil and gas production through their own state UIC programs. To obtain primacy, a state must demonstrate to US EPA’s satisfaction that its UIC program meets certain minimum requirements set forth in the Safe Drinking Water Act and represents an effective program to prevent injection that endangers underground sources of drinking water. (See 42 U.S.C., § 300h-4(a).)

Once US EPA approves a state UIC program, the state has primary responsibility to regulate underground injection within its jurisdiction. In such cases, the state and US EPA enter into a Memorandum of Agreement (Primacy Agreement), which may include other terms, conditions, or agreements relevant to the administration and enforcement of the state’s regulatory program. (See 40 C.F.R. § 145.25(a).) In primacy states, US EPA retains oversight and secondary enforcement authority, as well as the authority to revise or withdraw state primacy. (See 42 U.S.C. § 300h-2(a); see also 40 C.F.R. § 145.33.)

In 1981, pursuant to section 1425 of the Safe Drinking Water Act, the Division applied for primacy to implement a Class II UIC program for the State of California. (See Application for Primacy in the Regulation of Class II Injection Wells under section 1425 of the Safe Drinking Water Act¹). “Class II” is the classification US EPA’s regulations give to wells that inject fluid associated with oil and gas production.² US EPA granted primacy to the Division through a Memorandum of Agreement between US EPA and the Division, dated September 29, 1982.³

While it is not a regulation, the Primacy Agreement describes the terms of the Division’s UIC program as understood and approved by US EPA. The Primacy Agreement commits the Division to several regulatory objectives for underground injection wells. These objectives include two-part mechanical integrity testing for injection wells, evaluation of other wells within a specified “area of review” around injection wells prior to regulatory approval of injection projects, and protection of underground sources of drinking water (generally, groundwater aquifers with water containing less than 10,000 milligrams per liter total dissolved solids).

¹ Available at: http://www.conservation.ca.gov/dog/general_information/Documents/Application%20for%20Primacy.pdf.

² For more information on “Class II” injection wells, and other classes of injection wells not regulated by the Division, see http://www.conservation.ca.gov/dog/general_information/Pages/class_injection_wells.aspx.

³ Available at: http://www.conservation.ca.gov/dog/general_information/Documents/MOA_DOG_USEPA_UIC.pdf.

Proposed Regulations (Including Objectives and Anticipated Benefits)

Several of the key objectives outlined in the Primacy Agreement were never fully actualized in the Division’s UIC regulations. Instead, the Division’s existing UIC regulations, which have been updated only sparsely since the primacy delegation 35 years ago, require considerable interpretive “gap–filling” to identify applicable requirements. This has led to a general lack of transparency and inconsistent application of requirements, and, in some cases, aging regulatory constructs that have not kept pace with changing oil production methods and advancements in the understanding of threats to health, safety, and the environment. The present rule-making would update the Division’s UIC regulations with improved, more transparent standards that better align with modern industry practices, and better implement the commitments expressed in the Primacy Agreement. The effects and the broad objectives of the proposed regulations are to establish:

- Greater regulatory consistency and clarity with definitions of key terms.
- Greater consistency and transparency in the form, function, and terms and conditions of injection project approval documents.
- Improved project data requirements to ensure underground injection project performance and operating conditions are supported by higher quality engineering, geologic, and other relevant data.
- Minimum standards for information needed to properly evaluate other wells within the area of review for injection projects, and more explicit standards for such evaluations.
- Greater consistency and transparency regarding injection fluid and reservoir fluid analyses.
- Greater consistency and transparency regarding acceptable parameters for testing requirements such as step rate tests to determine formation fracture gradients, and casing pressure tests, radioactive tracer surveys, temperature surveys, and noise logs to demonstrate mechanical integrity of injection wells.
- Requirements for operators of certain injection wells to annually report information about treatment and additives to injection fluid.
- Requirements for continuous injection pressure recording at all injection wells.
- Greater transparency in the calculation of maximum allowable surface injection pressures.

- Consistency of application of existing mechanical integrity testing requirements to all injection wells, including cyclic steam injection wells.
- Requirements for operators of cyclic steam injection wells to maintain records of the number, duration, and volume of fluid injected of all injection cycles performed on each cyclic steam injection well.
- Requirements to minimize threats posed by surface expressions to health, safety, property, and the environment.
- Requirements to automatically cease injection upon specified occurrences, thereby strengthening incentives for compliance and avoiding threats to health, safety, property, and the environment.
- Requirements for operators of disposal injection wells to monitor and report on seismic activity.
- The proposed requirements would modernize, clarify, and augment the regulatory standards applicable to underground injection operations associated with oil and gas development in California. The proposed requirements would implement the Primacy Agreement and the Division’s state law mandate to regulate oil and gas operations so as to prevent damage to life, health, property, and natural resources.

Consistency with Comparable Federal Regulation or Statute

In California, the Division implements the mandates of the federal Safe Drinking Water Act with respect to underground injection wells associated with oil and gas production under the Primacy Agreement with US EPA. In essence, the Division’s UIC regulations displace any comparable federal regulations that address underground injection associated with oil and gas production. (*See* 40 C.F.R. § 147.250 [the program for such wells in California “is the program administered by the [Division]”].) US EPA has adopted regulations that apply to other categories of injection wells not associated with oil and gas production, and to injection wells in states that have not been delegated primacy. Again, however, US EPA’s regulations do not apply to California injection wells associated with oil and gas production.

In any event, the proposed regulations are generally consistent with US EPA’s requirements for injection wells. Examples of consistency between the proposed regulations and US EPA’s regulations include comparable definition of the term “underground source of drinking water” (40 C.F.R. § 144.3), comparable definition and application of “area of review” analysis (40 C.F.R. §§ 144.3, 146.6), comparable project data requirements (40 C.F.R. § 146.24), comparable prohibition of the

movement of fluid outside the approved injection zone (40 C.F.R. § 144.12), comparable prohibition of unauthorized injection (40 C.F.R. § 144.11), and comparable requirements to demonstrate ongoing mechanical integrity of injection wells (40 C.F.R. § 146.8). The general consistency between US EPA's regulations and the Division's regulatory program is to be expected because US EPA approved the Division's program, and the Division confers regularly with US EPA to review the Division's implementation of the Primacy Agreement. Discussion of contemplated changes in statutory or regulatory authority with the potential to affect implementation of the Primacy Agreement is a routine component of implementation-related dialogue between the Division and US EPA. (*See* 40 C.F.R. § 145.32 [addressing procedures for revision of state UIC programs].) In that context, the Division has conferred with US EPA regarding the proposed regulations and will continue to do so.

Consistency with Existing State Regulations

The Division has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. The Division is the only state agency with regulations specific to underground injection wells associated with oil and gas production. To the extent other state agencies may enforce health, safety, or environmental protection standards that could apply to underground injection projects because they are regulations of general application affecting a wider range of industrial activities, those regulations are not expected to be inconsistent or incompatible with the regulations proposed here, because the Division is the only state agency with regulations specific to these underground injection operations.

Although the State Water Resources Control Board (Water Board) does not have regulations applicable to underground injection wells specifically, the Water Board is also charged with protecting the state's surface and groundwater resources. The Division and the Water Board have entered a Memorandum of Agreement to facilitate, to the extent possible, each agency's regulatory goals with respect to the regulation of underground injection wells. Accordingly, the Division consulted with the Water Board in the development of these proposed regulations.

PLAIN ENGLISH REQUIREMENT

Department staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code section 11349 and the plain English requirements of Government Code sections 11342.580 and 11346.2, subdivision (a)(1). The proposed regulations are written so as to be easily understood, to the extent

possible given the technical subject matter, by the persons who will use them.

LOCAL MANDATE

This proposed action does not impose a mandate on local agencies or school districts.

COST TO LOCAL AGENCIES

This proposed action does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any costs or savings in federal funding to the state.

COST OR SAVINGS TO STATE AGENCIES

Implementation of the requirements of the proposed action is not expected to require additional expenditures. Positions for the UIC program have already been approved through fiscal year 2018-19 by prior year Budget Change Proposals to address past concerns over inadequate staffing. In total, the Division added 88 positions to the UIC program since FY 2010-11. For FY 2018-19, the Division requested an additional 21 field inspection staff positions to provide compliance monitoring across all Division regulations, including the UIC program.

Other state agencies should not incur any expenses related to the proposed action since the Division has primary jurisdiction over UIC projects. However, the Water Board has also added positions in prior year Budget Change Proposals to ensure that it is properly staffed to be actively engaged with the Division in the implementation of the UIC program.

EFFECT ON HOUSING COSTS

The proposed action will not have a significant effect on housing costs.

IMPACT ON BUSINESS

The proposed regulations will affect owners and operators of underground injection wells, and, indirectly, owners and operators of production wells whose operations rely on injection wells owned and operated by others. The regulations will also affect mineral rights owners who derive economic value from underground injection operations. The following reporting, record-

keeping, and compliance requirements will result from the proposed regulations:

- Requirements to develop, update, and maintain additional data and analyses to support underground injection projects.
- Requirements for operators of certain injection wells to annually report information about treatment and additives to injection fluid.
- Requirements for continuous injection pressure recording at all injection wells.
- Clarification that existing mechanical integrity testing requirements for injection wells apply to cyclic steam injection wells.
- Requirements for operators of cyclic steam injection wells to maintain records of the number, duration, and volume of fluid injected for all injection cycles performed on each cyclic steam injection well.
- Requirements for certain injection wells to minimize risks and monitor for indications of surface expressions.
- Requirements to cease injection near surface expressions, in the event they occur.
- Requirements for operators of water disposal injection wells to monitor and report seismic activity.

The Division made an initial determination that adoption of these regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Division has considered proposed alternatives that would lessen any adverse economic impact on business and is inviting the public to submit additional proposals. Submissions may include the following considerations:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- Consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

RESULTS OF THE STANDARDIZED REGULATORY IMPACT ASSESSMENT

The Division has determined that this rulemaking action is a major regulation and has completed a Standardized Regulatory Impact Assessment (SRIA) for this rulemaking, which has been provided to the Depart-

ment of Finance (DOF) for review and comment. The SRIA, DOF's comments on the SRIA, and the Division's response to DOF's comments are attached to the Initial Statement or Reasons for this rulemaking action.

The SRIA found that, given the economic context of underground injection control operations, the added economic impacts associated with compliance with the proposed regulations will not deter operators from performing future operations and/or construction. For these reasons, the Division made the following determinations:

- The proposed regulations will affect the creation or elimination of jobs within the State of California.
- The proposed regulations may affect the creation of new businesses but not the elimination of existing businesses within the State of California.
- The proposed regulations will likely result in additional work for oil and gas service businesses that provide well testing and remediation services currently doing business in the State of California.
- The proposed regulations will most likely not affect the ability of businesses within California to compete with businesses in other states.
- The proposed regulations will likely affect both the competitive advantages and disadvantages for businesses currently doing business in the State of California.
- The proposed regulations will likely not affect the increase or decrease of investment in the State of California.
- The proposed regulations will likely affect incentives for innovation in products, materials, or processes.

Further, the Division determined that the proposed regulations will result in nonmonetary benefits such as protection of public health and safety, environmental safety, and transparency in government and business. Specifically, the benefits are:

- Robust standards will modernize, clarify, and augment existing regulations to better protect underground sources of water and other natural resources.
- Significant enhancements will be made to improve worker safety, including language that forbids surface expressions resulting from underground injection projects.
- New employment as a result of increased testing and regulatory requirements.

COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

While the regulatory requirements will impose costs on owners or operators of underground injection

projects, the results of the SRIA concluded that the proposed regulations will provide economic benefits to individuals, the public, communities, and both large and small businesses within the state by providing a robust market for professional services. Construction and service contracts to implement the requirements in the regulations will increase. Professional staff positions that will be required include injection well engineering, technical services, field work testing, surveying, groundwater sampling, and monitoring activities. Many of these activities are likely to be performed by contractors when operators are relatively small and do not have in-house equipment or staff available. Larger operators will likely use their own staff and equipment but may hire additional permanent, temporary, or contractual staff. Equipment operators for oil rigs and other specialized skilled workers will also be in higher demand to conduct the required testing.

Based on conservative assumptions that may overestimate costs, the average yearly statewide economic impact for the first five years of implementation of the proposed regulations is estimated to be \$184 million for direct costs with the first year incurring the highest expenditures in order to attain compliance with the proposed regulations. The total economic impact to gross output average of the first five years of implementation is estimated to be \$283 million. These costs would be spread across all underground injection projects subject to the regulations and would impact both large and small operators. The economic impact for employment is estimated to add an average of 1,241 jobs per year, and the gross state product is approximately \$181 million per year during the first five years of implementation. As mentioned, these employment benefits would largely fall on oil and gas industry providers including services for contractors, testing, consulting, engineering, surveying, data submittal, assessments, and other sectors.

SUMMARY OF DOF COMMENTS ON STANDARDIZED REGULATORY IMPACT ASSESSMENT

The Department of Finance (DOF) generally concurred with the Division's SRIA for the proposed regulations and found that it meets the requirements for the SRIA, but added two critiques of the SRIA. DOF's comments on the SRIA and the Division's response are summarized as follows:

- *DOF Comment: The SRIA should address how the increased industry costs could decrease California oil production, which has been declining over the last few decades.*

Division Response: California's oil production has been steadily declining since the mid-1980s. The Division does not believe that the costs associated with the proposed regulations are a significant determinant in the State's decreased production. The main reason for the decline that predates the Division's pending proposed regulations is California's depletion of easily recoverable oil reserves. Throughout the 20th century, California has been a nationwide leader in oil production. The State's long history of oil extraction means that most of the easily accessible oil has already been recovered via primary and secondary methods of hydrocarbon production. In most fields, the State is now in the tertiary phase of oil recovery that requires more expensive and intensive methods of oil extraction. As a result, oil recovery has decreased over time, even in the absence of strong regulations. Even in the years where the average annual price of crude oil has increased, production has only increased marginally or remained constant compared to the prior year without being able to match production levels from prior decades.

The costs of compliance identified in the SRIA are eclipsed by the value of swings in oil prices observed over the last 15 years and are likely to have a minimal to insignificant impact on oil production in the short-term. The Division believes that the costs associated with the proposed regulations will likely decrease operator profits in the short-term as operators divert funding and resources to meet the compliance requirements of the proposed regulations. However, the short-term impact of profits caused by the compliance costs of the proposed regulations are a small fraction of typical fluctuations in oil and gas prices in any given year. As such, the price of oil will have a far larger impact on operator decisions to invest in production than the cost of the regulations.

- *DOF Comment: If imports have to increase, the carbon intensity of California fuel may increase, potentially making other emissions reductions necessary to meet state goals.*

Division Response: It is possible that the increasing reliance on imported oil could increase the carbon intensity of fuel used in California. However, the carbon intensity of fuels is determined by a number of factors in addition to emissions produced during transportation. For example, in some cases, the carbon intensity of crude oil, including transportation emissions, could be lower from fields in other states or nations than crude produced in California. While, according to data from the California Air Resources Board’s (CARB) Low Carbon Fuel Standard program, oil from California fields has an average carbon intensity of 7 (g/MJ), some of the State’s largest producing fields have relatively high carbon intensity. For example, the State’s largest producing oil fields, Midway–Sunset, Kern River, South Belridge, and Cymric have a carbon intensity of 25.05 (g/MJ), 9.63 (g/MJ), 14.84 (g/MJ), and 19.23 (g/MJ) respectively. California’s current primary sources of imports are Saudi Arabia and Alaska. Alaska’s carbon intensity is 12.91 (g/MJ) and Saudi Arabia ranges from 8.66 to 9.35 (g/MJ). As the Trans Mountain Pipeline is completed in Canada, California may consume more Canadian oil.

Regardless of where California’s crude oil comes from, the transportation sector remains by far the largest source of carbon emissions at 41 percent. As a result, a reduction in oil production will have very little impact on overall greenhouse gas (GHG) emissions in the State compared to the actual consumption of fuel in transportation. In order to meet future GHG reduction goals, emissions reductions from the fuel sector will likely have to be driven by reducing both vehicle miles traveled as well as increasing the use of electric vehicles, biofuels, hydrogen fuel cells, and other alternative means of transportation. Even if oil production were to increase as prices rise, emissions from the fuel sector will eventually have to be reduced. The California Air Resources Board has broad authority to regulate transportation emissions and, along with the California Energy Commission, provides several incentives for households and transportation companies to switch to lower–emission transportation technologies. As we approach the recently enacted goal of reducing emissions 40 percent below 1990 levels by 2030, it is likely that transportation

emissions will need to be cut well beyond any possible increase in fuel carbon intensity, if any, imposed by these proposed regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Division must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the Division’s attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Division has engaged in substantial pre–rulemaking workshops and discussions, and the SRIA for the proposed regulations evaluates alternatives to the proposals. No alternative considered by the Division would be more effective in carrying out the purposes of the proposed regulations, or would be equally effective but less burdensome to affected private persons and small businesses than the proposed regulations. The proposed regulations will further the statutory mandates and regulatory goals for underground injection projects; reduce risks to health, safety and the environment; and promote transparent oversight and evaluation of injection projects.

Nevertheless, the Division invites interested persons to submit comments regarding alternatives to the proposed regulations during the written comment period, or to present any such comments regarding alternatives, either orally or in writing, at the hearing scheduled to receive comments relevant to the proposed action.

FINDING OF NECESSITY OF REPORTS

The Division has found that it is necessary for the health, safety, or welfare of the people of the State that this regulation which requires a report apply to businesses.

SMALL BUSINESS DETERMINATION

The Division has determined that the proposed regulations will not directly affect small businesses, because the requirements apply to operators of UIC projects. However, some small businesses may incur a detriment from the enforcement of the proposed regulations to the extent that not all of the higher–producing operators will absorb the compliance costs associated with the proposed regulations.

For the purposes of the economic assessment in the SRIA, the Division has determined that small businesses represent an estimated 70 percent of all statewide operators with injection wells. Ninety-four operators own only 1.2 percent of the injection well inventory and generated less than \$10 million each from both oil and gas production in 2017. In total, these 94 operators generated roughly \$90 million in 2017 or only 1.02 percent of the \$8.9 billion gross revenue among all injection well owners. The Division considers these 94 operators as small businesses. On average, the direct costs for compliance make up 1.9 percent to 2.6 percent of the gross revenue for the small operators. Within the range of small operators, the higher-producing operators should be able to absorb most of the compliance costs.

Because these 94 operators own 1.2 percent of the State's injection wells, the Division expects these operators to take on roughly 1.2 percent of the State's compliance cost burden. The expected share of costs divided by their estimated total revenue represents their compliance burden. On average, the direct costs make up 1.9 to 2.6 percent of the gross revenue for the small operator. Within the range of small operators, the higher-producing operators should be able to absorb the compliance costs. However, approximately two-thirds of the small operators generate even less production and less revenue than the average small operator. These operators may be susceptible to financial hardship due to the cost of compliance with these proposed regulations.

Some business sectors may, however, benefit from new employment resulting from implementation of the proposed regulations. Businesses that support UIC operations are comprised of oil and gas industry contractors who include small independent operators and medium-to-large petroleum companies. These sectors will probably see an increase in demand for their services and are likely to benefit from the implementation of the proposed regulations.

CONTACT PERSONS

Inquiries concerning the proposed action may be directed to:

Mr. Tim Shular
Department of Conservation
801 K Street, MS 24-02
Sacramento, CA 95814
Phone: (916) 322-3080
Email: UIC.Regulations@conservation.ca.gov

The backup contact person for these inquiries is:

Ms. Blair Gollihur
Department of Conservation
801 K Street, MS 24-02
Sacramento, CA 95814
Phone: (916) 322-3080
Email: UIC.Regulations@conservation.ca.gov

To obtain copies of the text of the proposed regulations, the initial statement of reasons, or other information upon which this rulemaking is based, contact Mr. Tim Shular at the address and phone number provided above.

AVAILABILITY OF DOCUMENTS

The Department prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based and the express terms of the proposed action. The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the initial statement of reasons, the documents relied upon, the standardized regulatory impact assessment, and a standard form 399.

To obtain copies of these documents, contact Mr. Tim Shular at the address and phone number provided.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period, and any hearing(s) that may be conducted by the Department to receive comments regarding the proposed regulations, the Department will consider all timely and relevant comments received. Thereafter, the Department may adopt the proposed regulations in substantially the same form as described in this notice.

If the Department makes any modifications to the text of the proposed regulations that are substantial but still sufficiently related to the original proposed text as described in this notice, the Department will make the modified text (with changes clearly indicated) available to the public for at least 15 days before adopting the proposed regulations as modified. The Department will accept written comments regarding modified regulations for 15 days after the date upon which they are made available to the public. To obtain copies of any modified regulations, contact Mr. Tim Shular at the address and phone number provided.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Tim Shular at the address and phone number provided.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department's website at: <http://www.conservation.ca.gov>.

If you have any questions regarding the process for this proposed action, contact Mr. Tim Shular at the address and phone number provided.

**TITLE 14. SAN FRANCISCO BAY
CONSERVATION AND DEVELOPMENT
COMMISSION**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION**

NOTICE IS HEREBY GIVEN that the San Francisco Bay Conservation and Development Commission ("Commission"), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on July 13, 2018 and closing on September 10, 2018. All inquiries should be directed to the contact listed below.

The Commission proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: Addition of current and newly created positions in use or anticipated by the Commission, deletion of positions no longer in use by the Commission, and also other technical changes. The proposed amendment conforms with the current organizational chart in use by the Commission. The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than September 10, 2018, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 27, 2018.

The San Francisco Bay Conservation and Development Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Myles Saron
Attorney
(415) 352-3606
Myles.saron@bcdca.gov

**TITLE 17. DEPARTMENT OF PUBLIC
HEALTH**

**Newborn Screening Program
Participation Fee (DPH-17-016EFP)**

NOTICE IS HEREBY GIVEN that the California Department of Public Health (Department) has adopted the regulations described in this notice on an emergency basis, and they are now in effect. The purpose of this regulatory proposal is to make the emergency regulations permanent after considering all comments, objections, and recommendations regarding the regulations.

PUBLIC PROCEEDINGS

The Department is conducting a 45-day written public comment period and will hold a public hearing (pursuant to Health and Safety Code (HSC) § 124977, subd. (c)(1), within 120 days from the emergency effective date of July 19, 2018, OAL Emergency Filing No. 2018-0713-02EFP, during which time, any interested

person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

PUBLIC HEARING

At the hearing any person may present statements or arguments orally or in writing relevant to the action described in the Informative Digest. The Department requests, but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Date and Time: September 11, 2018 from 1:30 p.m to 2:30 p.m
Place: East End Complex, 1500 Capitol Avenue, Hearing Room 167, 1st floor Sacramento, CA 95814
Purpose: To hear comments about this action.

ASSISTIVE SERVICES

For individuals with disabilities, the Department will provide assistive services such as the conversion of written materials into Braille, large print, audiocassette, and computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, note-taking, reading or writing assistance. To request these assistive services, please call (916) 440-7673 (or California Relay at 711 or 1-800-735-2929), email Regulations@cdph.ca.gov or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are received less than 10 business days prior to a public hearing.

WRITTEN COMMENT PERIOD

Written comments relevant to this proposal, regardless of the method of transmittal, must be received by the Office of Regulations by **September 10, 2018 by 5:00 p.m.** to be considered. Comments received afterwards will not be considered timely.

Written comments may be submitted by mail (to address next), facsimile (FAX) at (916) 636- 6220 or by e-mail to Regulations@cdph.ca.gov. **Please include the package identifier DPH-17-016E.**

California Department of Public Health
Office of Regulations
1415 L Street, Suite 500
Sacramento, CA 95814

The Department will consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

AUTHORITY AND REFERENCE

Authority: Sections 124977, 124996, 125000, 131050, 131051 and 131200 and Health and Safety Code. Reference: Sections 124977, 124996, 125000 and 125001, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This regulatory emergency amendment increased the Newborn Screening (NBS) Program's all-inclusive program participation fee from \$129.25 to \$141.25 in Title 17, California Code of Regulations (17 CCR), Division 1, Chapter 4, Subchapter 9, Group 3, Article 4, Newborn Screening Fee Collection, section 6508, subdivision (b). The increase is necessary for the expansion of statewide screening of newborns to include screening for Mucopolysaccharidosis Type I (MPS I) and Pompe disease.

Problem Statement:

The California Department of Public Health's (Department) Genetic Disease Screening Program (GDSP) administers the NBS Program, as mandated by Health and Safety Code sections 125000, 125001, and 125025 to provide organized, quality assured screenings for all births in California for several genetic disorders. Disorders mandated for testing are established in Health and Safety Code sections 124977, 125000, 125001 and 125025, and in 17 CCR section 6508, subdivision (b). The NBS Program panel screens for over 80 disorders that include amino acid disorders such as phenylketonuria, hemoglobinopathies, organic acid disorders, fatty acid oxidation disorders, galactosemia, congenital hypothyroidism, congenital adrenal hyperplasia, sickle cell anemia, cystic fibrosis, biotinidase deficiency, severe combined immune deficiency, and adrenoleukodystrophy.

Senate Bill (SB) 1095 (Chapter 393, Statutes of 2016) established Health and Safety Code section 125001, subdivision (d) and required the GDSP to expand statewide screenings of newborns by adding new tests within two years of the disease screen being adopted by the federal Recommended Uniform Screening Panel (RUSP). At the time the bill was chaptered, there were two disorders on the RUSP that were not on the NBS Program panel: MPS I and Pompe disease, which were added to the RUSP in 2016 and 2015, respectively. Therefore, as specified in state statutes, the Department is required to add these disorders to the NBS Program panel by August 30, 2018.

Health and Safety Code sections 124977 and 124996 require the NBS Program to be “fully supported from fees collected.” The Department’s Director may adjust this fee as needed to meet costs. The NBS Program previously collected \$129.25 for each newborn tested. The fees collected from the institution of birth are deposited into a special fund called the Genetic Disease Testing Fund (GDTF). The GDTF is used to pay expenses of program operations including costs of supplies, forms, educational materials, and contracts with private vendors for laboratory analysis, tracking, and follow-up of positive test results, data processing, and fee collection.

To begin screening for Pompe disease and MPS I, a test method for each disorder must be developed by the Department. In Fiscal Year (FY) 2017–2018, the 2017 Budget Act included \$2.25 million in one-time Local Assistance funding and \$139,000 in State Operations funding to plan, prepare for, and incorporate MPS I and Pompe disease into the Screening Information System and support one Research Scientist II to start-up test method development activities.

The FY 2018–2019 Budget Change Proposal for routine screening for Pompe and MPS I to support SB 1095 to expand the NBS Program was approved to add fifteen positions to address the routine testing and ongoing workload associated with the addition of Pompe disease and MPS I. An increase in Local Assistance expenditure authority was approved to purchase the consumables, supplies, and reagents related to the ongoing screening and testing activities.

The FY 2018–2019 Budget Change Proposal authorizing the expansion of the NBS Program and the November and May Revision Estimates authorizing Local Assistance expenditures were approved by the Department of Finance and the Legislature during the FY 2018–2019 budget building process. All of the expenditure authority was included in the budget that was signed by the Governor on June 27, 2018.

The Department’s GDSP works to improve the quality of testing by preventing false negative tests and keeping false positive test rates as low as possible. Incorporating new testing strategies to reduce false positive test rates to prevent unnecessary stress and anxiety for parents is vital. By coupling the primary screening method with a second linked test that is more specific than the original method, the Department can improve diagnostic specificity (fewer false positives) without reducing sensitivity (the rate of false negatives). A second-tier test uses the same blood specimen from the original test, eliminating that additional burden to families or hospital personnel, and measures additional metabolites that either strongly supports the presumption of a true positive case or shows that the patient does not have the disorder.

In FY 2017–2018, the 2017 Budget Act included a one-time increase of \$300,000 in State Operations expenditure authority, and a one-time transfer of \$330,000 from Local Assistance to State Operations expenditure authority, for the purpose of mass spectrometry equipment and testing method development. These one-time increases provided expenditure authority for the initial start-up activities for second-tier testing.

The FY 2018–2019 Budget Change Proposal was approved to support the workload associated with Second-Tier Newborn Testing. A shift of \$460,000 from Local Assistance to State Operations was approved to fund three positions to perform the ongoing second-tier testing that will begin in FY 2018–2019. The FY 2018–2019 Budget Change Proposal was approved by the Department of Finance and the Legislature during the FY 2018–2019 budget building process. All of the expenditure authority was included in the budget that was signed by the Governor on June 27, 2018.

Pompe disease is an inherited disorder caused by the buildup of a complex sugar called glycogen in the body’s cells. The accumulation of glycogen in certain organs and tissues, especially in muscles, impairs their ability to function normally.

MPS I is a condition that affects many parts of the body. Children with MPS I often have no signs or symptoms of the condition at birth, but it is a progressive disease if not treated early. Individuals with MPS I may have a large head (macrocephaly), heart valve abnormalities, and an enlarged liver and spleen.

Benefits and Objectives (Goals):

California newborns and their families will benefit from the expansion of statewide screening of newborns by adding new tests within two years of the disease screen being adopted by the federal Recommended Uniform Screening Panel (RUSP). An early diagnosis through newborn screening coupled with appropriate treatment can slow the progress of the diseases before some irreversible disease processes have begun. An early diagnosis is the first step in an appropriate medical care treatment plan. An early diagnosis provides parents with more time to become educated about how to provide the best possible care for a child with either condition and helps parents make informed life choices, including reproductive and health plan decisions.

The cost of including the new disorders to the NBS Program panel requires complicated and labor-intensive development activities, all of which require the highest standards of medical and scientific procedures and protocols. New equipment is necessary as well as additional staff to run the test. The Department

cannot absorb the additional workload associated with adding both disorders without an increase in fees, appropriation authority, and associated staffing.

This rulemaking is in response to changes in technology, testing methodologies, and the expansion of the NBS Program. Because the NBS Program is fully fee-supported as required by state statute, a fee increase is required to provide revenue to ensure the expansion to Pompe disease and MPS I is fully implemented and that sufficient resources are available on an ongoing basis. This funding will support expenditures associated with the ongoing workload of processing biospecimens at the Department's Genetic Disease Laboratory; staff needed to perform the screening; testing chemicals; equipment acquisition; IT upgrades; and supplies used to run the assay. Funding will also be utilized to support follow-up costs for "Screen Positive" cases, such as case management; diagnostic work-up; confirmatory processing; provider and family education; informative result mailers; as well as incorporation and maintenance on an on-going basis of Pompe and MPS I into the Screening Information System.

The Legislature has found that timely implementation of changes in genetic screening programs and continuous maintenance of quality statewide services requires expeditious regulatory action and administrative procedures (HSC § 124977, subd. (c)(1)). The Health and Safety Code provides authority for the Department to adopt emergency regulations. Health and Safety Code section 124977, subdivision (d)(1) specifies that the adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare, and that the regulations shall not be subject to the review and approval of the Office of the Administrative Law (OAL); shall be submitted directly to the Secretary of State for filing; and shall become effective immediately upon filing by the Secretary of State. Health and Safety Code section 124977, subdivision (d)(1) also requires the Department to conduct a public hearing within 120 days of filing with the Secretary of State, and to submit to the OAL the adopted regulation, a final statement of reasons, and an updated informative digest. Health and Safety Code section 124977, subdivision (d)(2) specifies that this emergency regulation shall not be repealed by the OAL and shall remain in effect until revised or repealed by the Department.

The GDSP will continue to monitor NBS Program revenues and expenses in order to determine whether future increases or decreases in the NBS Program's participation fees are warranted.

Specific Discussion of Regulatory Action

Section 6508, subdivision (b), Newborn Screening Fee Collection.

The regulation amended the section to increase the program's participation fee for Newborn Screening from \$129.25 to \$141.25. The amendment increases the Newborn Screening Program participation fee as necessary for the expansion of statewide screening of newborns to include screening for MPS I and Pompe disease.

Comparable Federal Regulations or Statutes

These regulatory changes do not conflict with or duplicate any federal or state statutes, regulations, or policies.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Department evaluated whether the regulation is inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing state regulations and those regulations specific to newborn screening fee regulations. An Internet search of other state agency regulations was also performed and it was determined that no other state agency regulation addressed the same subject matter and that this proposal was not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that this regulation is not inconsistent or incompatible with existing state regulations.

This regulatory action is compatible with existing state regulations that mandate that the NBS is administered by the Department's GDSP according to Health and Safety Code sections 125000, 125001, and 125025 to provide organized, quality-assured screening of all births in California for several genetic disorders. Disorders mandated for testing are established in Health and Safety Code sections 124977, 125000, 125001 and 125025 of 17 CCR, section 6501. The NBS screens over 80 disorders that include amino acid disorders such as phenylketonuria, organic acid disorders, fatty acid oxidation disorders, galactosemia, congenital hypothyroidism, congenital adrenal hyperplasia, sickle cell anemia, cystic fibrosis, biotinidase deficiency, hemoglobinopathies, severe combined immune deficiency, and adrenoleukodystrophy.

Local Mandate

The Department has determined that these regulations will not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code (Gov. Code).

Technical, Theoretical, and/or Empirical Study, Reports or Documents Relied Upon (Gov. Code 11346.1(b)(2))

Department of Finance Demographic Research Unit (DRU) Birth Projections for calendar year 1990–2040, (Birth Projections).

Documents/Forms Incorporated by Reference: None.

Mandated by Federal Law or Regulations: These regulatory changes do not conflict with or duplicate any federal or state statutes, regulations or policies.

Other Statutory Requirements: Not applicable.

FISCAL IMPACT ESTIMATE

Costs to any Local or School District Requiring Reimbursement Pursuant to section 17500 et seq.

No costs because this regulation does not affect local agencies or schools.

Costs or Savings Impact to any State Agency

The Medi-Cal program will incur approximately \$2,506,000 in additional costs annually as a result of the screening fee increase of which \$1,253,000 will be General Fund costs. This cost was incorporated into the Medi-Cal base as an ongoing cost.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

The Department has determined that the proposed regulations would not impose non-discretionary costs or savings on local agencies.

Costs or Savings in Federal Funding to the State

The Department has made an initial determination that the proposed regulations will have an estimated annual cost to the Medi-Cal program of \$2,506,000, and of that, \$1,253,000 in General Fund costs. This cost was incorporated into the Medi-Cal base as an ongoing cost. Medi-Cal is funded in part from both state and federal funds (usually Federal Financial Participation in Medi-Cal is 50%).

Statement of the Results of the Economic Impact Assessment (Gov. Code §§ 11346.5(a)(10) and 11346.3(b))

(b)(1) The Department has determined that the rulemaking will not significantly affect the following pursuant to Government Code Sections 11346.3, subd. (b)(1), (A) through (D):

(A) The Creation or Elimination of Jobs within the State of California

The regulation will not create or eliminate jobs in California. The impact to insurers in processing the participation fee increase, and to insurance/health plan members, will be minimal.

(B) The Creation of New Businesses or the Elimination of Existing Businesses within the State of California. The regulation will not create new businesses or eliminate existing businesses within the State of California. The cost impact to insurers of \$12.00 for each covered newborn is unlikely to have a significant impact on any affected business, or insurance/health plan members.

(C) The Expansion of Businesses Currently Doing Business within the State of California. The regulation will not expand businesses within the state of California. The impact to insurers in processing the participation fee increase will be minimal.

(D) Worker Safety This regulation does not affect worker safety because it does not affect workers;
California's Environment This regulation does not affect the State's environment. The Department has determined that the rulemaking impacts the following pursuant to Government Code section 11346.3, subdivision (b)(1)(D):

1. **Health and Welfare of California Residents.** The regulation is expected to increase and strengthen the health and welfare of California residents. An increase in the participation fee for the NBS Program ensures that the NBS Program remains self-sufficient and protects statewide access to newborn screening and follow-up services, thereby reducing the emotional and financial burden of disability and death caused by genetic and congenital disorders.
2. The amendment increases the NBS Program participation fee as necessary for the NBS Program to expand statewide screening of newborns to include screening for MPS I and Pompe disease.

ALTERNATIVES STATEMENT
(Gov. Code § 11346.5(a)(13))

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has made an initial determination that there are no acceptable alternatives to the regula-

tion to fund the operations of the NBS Program and protect the public interest in maintaining a statewide Newborn Screening Program. There is no alternative to compliance with SB 1095 and HSC 125001, which require the Department to add Mucopolysaccharidosis Type I and Pompe disease to the California Newborn Screening Program panel by August 30, 2018. No reasonable alternatives considered by the Department or that otherwise have been identified and brought to the attention of the Department would be more effective in carrying out the purposes for which the regulations are being written.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING THE ABILITY OF
CALIFORNIA TO COMPETE WITH BUSINESSES
IN OTHER STATES**
(Gov. Code § 11346.5(a)(7))

The Department has made a determination that the regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The impact to insurers in processing the change in the participation fee will be minimal. The cost impact to insurers of \$12.00 for each covered newborn is unlikely to have a significant impact on any affected business. It is unlikely that the fee increase would be sufficient to require any significant increase in premiums charged to insurance/health plan members.

**COST IMPACT ON REPRESENTATIVE
PERSON OR BUSINESS**
(Gov. Code § 11346.5(a)(9))

There would be a cost increase of \$12.00 per NBS test in the NBS Program participation fee for those businesses providing health coverage to women delivering newborns.

While the Department directly bills hospitals and midwives, the Newborn Screening test is generally covered by health insurance and health plans and their capitated medical groups and health insurers. As such the hospitals and midwives are generally reimbursed for the cost of the screening test and the health plans and health insurers account for the increase in the form of increased premiums and such increases are typical for health care costs in any given year.

The total annual costs of this regulation are estimated to be \$5,739,852 (478,321 estimated numbers of newborns to be screened in FY 2018–19 X \$12.00).

It is unlikely that a \$12.00 increase in newborn screening fees, paid by the hospital of birth to the Department, is sufficient to require any significant increase in premiums for health insurance charged to businesses. Past increases in newborn screening fees had no adverse business impacts that were reported to the Department.

**COMPARABLE FEDERAL REGULATIONS
OR STATUTES**
(Gov. Code § 11346.2(c))

These regulatory changes do not conflict with or duplicate any federal or state statutes, regulations or policies.

SMALL BUSINESS
(1 CCR §§ 4(a) and (b))

The Department has determined there would be an effect on those small businesses that choose to participate in the Newborn Screening Program. There may be a small economic impact on some small businesses.

EFFECT ON HOUSING COSTS
(Gov. Code § 11346.5(a)(12))

The Department has determined that the rulemaking has no impact on housing costs.

BUSINESS REPORT
(Gov. Code §§ 11346.5(a)(11) and 11346.3(d))

The Department has determined that the rulemaking would have no new or additional reporting requirements applicable to businesses.

CONTACT PERSONS

Inquiries concerning the subject matter in this notice may be directed to Sara Goldman of the Department's Genetic Disease Screening Program at (510) 412–1460. For inquiries related to the regulatory process, to Laurel Prior, Office of Regulations, at (916) 440–7673.

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF REGULATIONS, AND
RULEMAKING FILE**

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the pro-

posed text of the regulations, initial statement of reasons, and information upon which proposed rulemaking is based. Copies may be obtained by contacting the Office of Regulations at Regulations@cdph.ca.gov or by phone at (916) 558-1710.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the Office of Regulations at Regulations@cdph.ca.gov. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice including this public notice, the Initial Statement of Reasons, and the regulations text are available via the Internet and may be accessed here: www.cdph.ca.gov, and by clicking on these links, in the following order, from [the Department's Webpage](#) (at www.cdph.ca.gov) click on Programs, Office of Regulations, then Proposed Regulations.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

CESA CONSISTENCY DETERMINATION
REQUEST FOR
Suisun Marsh Salinity Gates Pilot Study Project
2080-2018-007-03
Suisun Marsh and Bay

The California Department of Fish and Wildlife (CDFW) received a notice on July 11, 2018 that the Cal-

ifornia Department of Water Resources proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves operating the Suisun Marsh Salinity Control Gate throughout August 2018 as a pilot study to evaluate the potential effects of reducing salinity in Suisun Bay during summer months.

The U.S. Fish and Wildlife Service (Service) amended a federal biological opinion (Service Ref. No. 81420-2008-F-1481) in a memorandum to the U.S. Bureau of Reclamation on June 29, 2018, which considered the effects of the proposed amendment on state endangered and federally threatened delta smelt (*Hypomesus transpacificus*).

Pursuant to California Fish and Game Code section 2080.1, the Department of Water Resources is requesting a determination that the federal memorandum is consistent with CESA for purposes of the proposed project. If CDFW determines the memorandum is consistent with CESA for the proposed project, the California Department of Water Resources will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF FISH AND
WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653-2018-018-001-R1**

Project: Albion River Large Wood Augmentation Project

Location: Mendocino

Applicant: Elizabeth Mackey, Trout Unlimited

Background

Project Location: The Albion River Large Wood Augmentation Project (Project) is located at a property owned by Mendocino Redwood Company, Assessor Parcel Number (APN) 12501021, and affects 1.5 miles of mainstem Albion River, tributary to the Pacific Ocean, in the County of Mendocino, California. The project begins at the confluence with Glenbrook Gulch and ends upstream at the confluence with Tom Bell Gulch. Coordinates of the Project are approximately latitude 39.2585° North and longitude 123.6580° West at the downstream end and latitude 39.2669° North and longitude 123.6439° at the upstream end. Albion River supports populations of coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead trout (*O. mykiss*).

Project Description: Trout Unlimited (Applicant) proposes to enhance or restore habitat within Albion River to provide a net conservation benefit for coho salmon, Chinook salmon, and steelhead trout. The Project includes the installation of approximately 78 individual pieces of wood at 18 individual sites along 1.5 miles to increase and improve the quality and quantity of salmonid habitat in the Albion River. This will effectively increase stream complexity and shelter values while simultaneously improving pool frequency and depth for rearing juvenile salmonids. Large wood that is within the active stream channel will provide velocity refugia for fish during peak winter flows, decrease average water velocities, and sort spawning gravels. It is anticipated that the habitat created through the placement of this large wood material will be readily utilized by fish following a season of scouring flows. Log debris accumulation (LDA) structures implemented during this project (3 count) will also collect and aggrade spawning gravels in a sediment starved, bedrock-dominant stream reach.

Project Size: The total area of ground disturbance associated with the Project is approximately 1.7 acres and 163.80 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 78 individual trees (462 cubic yards of large woody material), and (2) 7 cubic yards of soil.

Project Timeframes:

Start date: August 2018

Completion date: October 2022

Work window: August 1–October 31

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B180064WNME, Electronic Content Management Identification (ECM PIN) No. CW-847813) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a

supplemental document that sets forth measures to avoid and minimize impacts to coho salmon, Chinook salmon, steelhead trout and other fish and wildlife resources.

Receiving Water:

Albion River, tributary to Pacific Ocean

Filled or Excavated Area:

Permanent area impacted: none

Temporary area impacted: 1.7 acres riparian

Length permanently impacted: none

Length temporarily impacted: 163.8 linear feet

Project Size:

1.70 acres and 163.80 linear feet

Discharge Volume:

462 cubic yards of large woody material

7 cubic yards of soil

Project Location:

Latitude 39.2585° North and Longitude 123.6580° West (NAD 83)

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 20, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 26, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2018-0626-07) on July 6. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for

Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization requirements are found in an attachment to the NOI, V. PART F — Avoidance and Minimization Methods. Supplemental avoidance and/or minimization measures to protect foothill yellow-legged frogs, *Supplemental avoidance and/or minimization measures to protect fish, wildlife, and plant resources*, was supplied with the HREA application, and it contains the following categories: (1) Conduct a Pre-Project Breeding Survey, (2) Conduct a Pre-Construction Survey, (3) Construction Monitoring, (4) Reporting Instructions, and (5) Decontamination Protocol.

Monitoring and Reporting

Pursuant to Fish and Game Code section 1653 subdivision (g), the Applicant has submitted a Monitoring and Reporting Plan containing the following elements: (1) CDFW Level II Habitat Typing Assessment, (2) longitudinal profile survey, and (3) photographic monitoring.

Monitoring Plan: Monitoring is planned for all implemented structures, consisting of photographic monitoring and large wood material monitoring. Prior to implementation, project partners Mendocino Redwood Company (MRC) will complete pre-project photographic monitoring at each large wood site, using permanent photo points and where opportunistic photo points as needed. Each large woody material (LWM) log will also be tagged with an aluminum tag to track and monitor transport and function within the project area. MRC and/or Applicant staff will conduct the monitoring September or October of each year of implementation, prior to implementation and again following at least one winter after implementation. All monitoring results will be provided following completion.

The primary performance measures that will evaluate this project's goal of increasing LWM in the Albion River will include LWM wood counts and project photographs. This pre-project survey will provide baseline data to determine geomorphic change adjacent to structures and to track LWM movement and recruitment following installation.

Monitoring parameters and protocols used to determine whether performance standards have been met will follow California Salmonid Stream Habitat Restoration Manual — 4th Edition — Part III, Habitat Inventory Methods and Part VIII, Project Evaluation and Monitoring.

Reporting Plan: Following the completion of these project monitoring components, a final report will be submitted to the grant manager and all of the appropriate regulatory agencies (NMFS, USACOE, NCRWQCB, and CDFW). This report will include the findings that result from pre- and post-project monitoring. These findings should indicate the achievement of performance standards that are relative to the project goals. Each report will include the following information:

- Summary of findings;
- Identification and discussion of problems with achieving performance standards;
- Proposed corrective measures (requires Regional Water Board approval);
- Monitoring data.

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicants NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: Scott.Monday@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

DEPARTMENT OF FISH AND WILDLIFE

**HABITAT RESTORATION AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653–2018–019–001–R1**

Project: Upper Little North Fork Big River and Manly Gulch Large Wood Augmentation Project

Location: Mendocino

Applicant: Elizabeth Mackey, Trout Unlimited

Background

Project Location: The Upper Little North Fork Big River and Manly Gulch Large Wood Augmentation Project (Project) is located at a property owned by California Department of Parks and Recreation and affects 0.5 miles of Manly Gulch, tributary to Little North Fork (LNF) Big River, and 1.0 mile of LNF Big River, tributary to Big River, in the County of Mendocino, California. The Manly Gulch project reach begins at the confluence with LNF Big River and extends 0.5 miles upstream. The LNF Big River project reach begins at the confluence with Manly Gulch and extends 1.0 miles upstream. Coordinates for the Project are approximately latitude 39.3358° North and longitude 123.6991° West at the downstream end and latitude 39.3413° North and longitude 123.6894° at the upstream end. Manly Gulch and LNF Big River support populations of coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead trout (*O. mykiss*).

Project Description: Trout Unlimited (Applicant) proposes to enhance or restore habitat within Manly Gulch and LNF Big River to provide a net conservation benefit for coho salmon, Chinook salmon and steelhead trout. The Project includes the installation of approximately 89 individual pieces of wood at 42 individual sites to increase and improve the quality and quantity of salmonid habitat in Manly Gulch and LNF Big River. This will effectively increase stream complexity and shelter values while simultaneously improving pool frequency and depth for rearing juvenile salmonids. Large wood that is within the active stream channel will provide velocity refugia for fish during peak winter flows, decrease average water velocities, and sort

spawning gravels. It is anticipated that the habitat created through the placement of this large wood material will be readily utilized by fish following a season of scouring flows.

Project Size: The total area of ground disturbance associated with the Project is approximately 1.62 acres and 152 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 89 individual trees (350 cubic yards of large woody material), and (2) 3 cubic yards of soil.

Project Timeframes:

Start date: August 2018

Completion date: October 2022

Work window: August 1–October 31

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B180065WNME, Electronic Content Management Identification (ECM PIN) No. CW–847817) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to coho salmon, Chinook salmon, steelhead trout and other fish and wildlife resources.

Receiving Water:

Manly Gulch, tributary LNF Big River and LNF Big River, tributary to Big River

Filled or Excavated Area:

Permanent area impacted: none

Temporary area impacted: 1.62 acres riparian

Length permanently impacted: none

Length temporarily impacted: 152 linear feet

Project Size:

1.62 acres and 152 linear feet

Discharge Volume:

350 cubic yards of large woody material

3 cubic yards of soil

Project Location:

Latitude 39.3358° North and Longitude 123.6991° West at the downstream end and Latitude 39.3413° North and Longitude 123.6894° at the upstream end (NAD 83)

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 20, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 26, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2018-0626-04) on July 6. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order, and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization requirements are found in an attachment to the NOI, V. PART F — Avoidance and Minimization Methods. Supplemental avoidance and/or minimization measures to protect foothill yellow-legged frogs, *Supplemental avoidance and/or minimization measures to protect fish, wildlife, and plant resources*, was supplied with the HREA application, and it contains the following categories: (1) Conduct a Pre-Project Breed-

ing Survey, (2) Conduct a Pre-Construction Survey, (3) Construction Monitoring, (4) Reporting Instructions, and (5) Decontamination Protocol.

Monitoring and Reporting

Pursuant to Fish and Game Code section 1653 subdivision (g), the Applicant has submitted a Monitoring and Reporting Plan containing the following elements: (1) CDFW Level II Habitat Typing Assessment, (2) longitudinal profile survey, and (3) photographic monitoring.

Monitoring Plan: Monitoring is planned for all implemented structures, consisting of photographic monitoring and large wood material monitoring. Prior to implementation, project partners, Blencowe Watershed Management (BWM), will complete pre-project photographic monitoring at each large wood site, using permanent photo points and where opportunistic photo points as needed. Each large woody material (LWM) log will also be tagged with an aluminum tag to track and monitor transport and function within the project area. BWM and/or Applicant staff will conduct the monitoring August through October of each year of implementation, prior to implementation and again following at least one winter after implementation. All monitoring results will be provided following completion.

The primary performance measures that will evaluate this project's goal of increasing LWM in Manly Gulch and LNF Big River will include LWM wood counts and project photographs. This pre-project survey will provide baseline data to determine geomorphic change adjacent to structures and to track LWM movement and recruitment following installation.

Monitoring parameters and protocols used to determine whether performance standards have been met will follow California Salmonid Stream Habitat Restoration Manual — 4th Edition — Part III, Habitat Inventory Methods and Part VIII, Project Evaluation and Monitoring.

Reporting Plan: Following the completion of these project monitoring components, a final report will be submitted to the grant manager and all of the appropriate regulatory agencies (NMFS, USACOE, NCRWQCB, and CDFW). This report will include the findings that result from pre- and post-project monitoring. These findings should indicate the achievement of performance standards that are relative to the project goals. Each report will include the following information:

- Summary of findings;
- Identification and discussion of problems with achieving performance standards;
- Proposed corrective measures (requires Regional Water Board approval);

- Monitoring data.

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicants NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: Scott.Monday@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

DEPARTMENT OF FISH AND WILDLIFE

**HABITAT RESTORATION AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653–2018–020–001–R1**

Project: North Branch North Fork Navarro River Large Wood Augmentation Project — Phase II

Location: Mendocino

Applicant: Elizabeth Mackey, Trout Unlimited

Background

Project Location: The North Branch North Fork Navarro River Large Wood Augmentation Project — Phase II (Project) is located at a property owned by Mendocino Redwood Company, Assessor Parcel Numbers (APN) 02601015 and 12546013, and affects 1.0 mile of North Branch North Fork Navarro River, tributary to the North Fork Navarro River, in the County of Mendocino, California. The project reach begins approximately 0.1 miles upstream of the Deer Creek confluence with the North Branch North Fork Navarro River. Coordinates of the Project are approximately latitude 39.1827° North and longitude 123.5460° West at the downstream end and latitude 39.1894° North and longitude 123.5549° West at the upstream end. North Branch North Fork Navarro River supports populations of coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead trout (*O. mykiss*).

Project Description: Trout Unlimited (Applicant) proposes to enhance or restore habitat within North Branch North Fork Navarro River to provide a net conservation benefit for coho salmon, Chinook salmon, and steelhead trout. The Project includes the installation of approximately 56 individual pieces of wood at 19 individual sites along 1.0 mile to increase and improve the quality and quantity of salmonid habitat in the North Branch North Fork Navarro River. This will effectively increase stream complexity and shelter values while simultaneously improving pool frequency and depth for rearing juvenile salmonids. Large wood that is within the active stream channel will provide velocity refugia for fish during peak winter flows, decrease average water velocities, and sort spawning gravels. It is anticipated that the habitat created through the placement of this large wood material will be readily utilized by fish following a season of scouring flows.

Project Size: The total area of ground disturbance associated with the Project is approximately 1.01 acres and 95.20 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project

include those associated with the following: (1) 56 individual trees (248 cubic yards of large woody material), and (2) 2 cubic yards of soil.

Project Timeframes:

Start date: August 2018

Completion date: October 2022

Work window: August 1–October 31

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B180069WNME, Electronic Content Management Identification (ECM PIN) No. CW–847764 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to coho salmon, Chinook salmon, steelhead trout and other fish and wildlife resources.

Receiving Water:

North Branch North Fork Navarro River, tributary to the North Fork Navarro River

Filled or Excavated Area:

Permanent area impacted: none

Temporary area impacted: 1.01 acres riparian

Length permanently impacted: none

Length temporarily impacted: 95.2 linear feet

Project Size:

1.01 acres and 95.2 linear feet

Discharge Volume:

248 cubic yards of large woody material

2 cubic yards of soil

Project Location:

Downstream: Latitude 39.1827° North and Longitude 123.5460° West

Upstream: Latitude 39.1894° North and Longitude 123.5549° West (NAD 83)

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 20, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are

consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 26, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2018–0626–08) on July 6. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization requirements are found in an attachment to the NOI, V. PART F — Avoidance and Minimization Methods. Supplemental avoidance and/or minimization measures to protect foothill yellowlegged frogs, *Supplemental avoidance and/or minimization measures to protect fish, wildlife, and plant resources*, was supplied with the HREA application, and it contains the following categories: (1) Conduct a Pre-Project Breeding Survey, (2) Conduct a Pre-Construction Survey, (3) Construction Monitoring, (4) Reporting Instructions, and (5) Decontamination Protocol.

Monitoring and Reporting

Pursuant to Fish and Game Code section 1653 subdivision (g), the Applicant has submitted a Monitoring and Reporting Plan containing the following elements: (1) CDFW Level II Habitat Typing Assessment, (2) longitudinal profile survey, and (3) photographic monitoring.

Monitoring Plan: Monitoring is planned for all implemented structures, consisting of photographic monitoring and large wood material monitoring. Prior to implementation, project partners Mendocino Redwood Company (MRC) will complete pre-project photographic

monitoring at each large wood site, using permanent photo points and where opportunistic photo points as needed. Each large woody material (LWM) log will also be tagged with an aluminum tag to track and monitor transport and function within the project area. MRC and/or Applicant staff will conduct the monitoring August through October of each year of implementation, prior to implementation and again following at least one winter after implementation. All monitoring results will be provided following completion.

The primary performance measures that will evaluate this project’s goal of increasing LWM in the North Branch North Fork Navarro River will include LWM wood counts and project photographs. This pre-project survey will provide baseline data to determine geomorphic change adjacent to structures and to track LWM movement and recruitment following installation.

Monitoring parameters and protocols used to determine whether performance standards have been met will follow California Salmonid Stream Habitat Restoration Manual — 4th Edition — Part III, Habitat Inventory Methods and Part VIII, Project Evaluation and Monitoring.

Reporting Plan: Following the completion of these project monitoring components, a final report will be submitted to the grant manager and all of the appropriate regulatory agencies (NMFS, USACOE, NCRWQCB, and CDFW). This report will include the findings that result from pre- and post-project monitoring. These findings should indicate the achievement of performance standards that are relative to the project goals. Each report will include the following information:

- Summary of findings.
- Identification and discussion of problems with achieving performance standards.
- Proposed corrective measures (requires Regional Water Board approval).
- Monitoring data

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as

provided in the applicants NOI Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: Scott.Monday@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

DEPARTMENT OF FISH AND WILDLIFE

**HABITAT RESTORATION AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653-2018-021-001-R1**

Project: Olsen Gulch Large Wood Augmentation Project

Location: Mendocino

Applicant: Elizabeth Mackey, Trout Unlimited

Background

Project Location: The Olsen Gulch Large Wood Augmentation Project, (Project) is located at a property owned by The Conservation Fund, LLC, Assessor Parcel Numbers (APN) 13320018 and 02719109, and affects 1.0 mile of Olsen Gulch, tributary to the Garcia River, in the County of Mendocino, California. The project reach begins approximately 0.2 miles upstream of the confluence with the Garcia River and extends upstream for 1.0 mile. Coordinates of the Project are approximately latitude 38.9324° North and longitude 123.6310° West at the downstream end and latitude 38.9430° North and longitude 123.6245° West at the

upstream end. Olsen Gulch supports populations of coho salmon (*Oncorhynchus kisutch*) and steelhead trout (*O. mykiss*).

Project Description: Trout Unlimited (Applicant) proposes to enhance or restore habitat within Olsen Gulch to provide a net conservation benefit for coho salmon and steelhead trout. The Project includes the installation of approximately 50 individual pieces of wood at 25 individual sites along 1.0 mile to increase and improve the quality and quantity of salmonid habitat in the Olsen Gulch. This will effectively increase stream complexity and shelter values while simultaneously improving pool frequency and depth for rearing juvenile salmonids. Large wood that is within the active stream channel will provide velocity refugia for fish during peak winter flows, decrease average water velocities, and sort spawning gravels. It is anticipated that the habitat created through the placement of this large wood material will be readily utilized by fish following a season of scouring flows.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.88 acres and 80.00 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 50 individual trees (279 cubic yards of large woody material), and (2) 3 cubic yards of soil.

Project Timeframes:

Start date: August 2018

Completion date: October 2022

Work window: August 1–October 31

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B180066WNME, Electronic Content Management Identification (ECM PIN) No. CW–847818 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to

avoid and minimize impacts to coho salmon and steelhead trout and other fish and wildlife resources.

Receiving Water:

Olsen Gulch, tributary to the Garcia River

Filled or Excavated Area:

Permanent area impacted: none

Temporary area impacted: 1.35 acres riparian

Length permanently impacted: none

Length temporarily impacted: 115 linear feet

Project Size:

1.35 acres and 115 linear feet

Discharge Volume:

279 cubic yards of large woody material

3 cubic yards of soil

Project Location:

Upstream: Latitude 38.9430° North and Longitude 123.6245° West

Downstream: Latitude 38.9324° North and Longitude 123.6310° West (NAD 83)

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 20, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 26, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2018–0626–06) on July 6. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for

Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization requirements are found in an attachment to the NOI, V. PART F — Avoidance and Minimization Methods. Supplemental avoidance and/or minimization measures to protect foothill yellow-legged frogs, *Supplemental avoidance and/or minimization measures to protect fish, wildlife, and plant resources*, was supplied with the HREA application, and it contains the following categories: (1) Conduct a Pre-Project Breeding Survey, (2) Conduct a Pre-Construction Survey, (3) Construction Monitoring, (4) Reporting Instructions, and (5) Decontamination Protocol.

Monitoring and Reporting

Pursuant to Fish and Game Code section 1653 subdivision (g), the Applicant has submitted a Monitoring and Reporting Plan containing the following elements: 1) CDFW Level II Habitat Typing Assessment, 2) Longitudinal profile survey, and 3) photographic monitoring.

Monitoring Plan: Monitoring is planned for all implemented structures, consisting of photographic monitoring and large wood material monitoring. Prior to implementation, project partners Blencowe Watershed Management (BWM) will complete pre-project photographic monitoring at each large wood site, using permanent photo points and where opportunistic photo points as needed. Each large woody material (LWM) log will also be tagged with an aluminum tag to track and monitor transport and function within the project area. BWM and/or Applicant staff will conduct the monitoring August through October of each year of implementation, prior to implementation and again following at least one winter after implementation. All monitoring results will be provided following completion.

The primary performance measures that will evaluate this project’s goal of increasing LWM in the Olsen Gulch will include LWM wood counts and project photographs. This pre-project survey will provide baseline data to determine geomorphic change adjacent to structures and to track LWM movement and recruitment following installation.

Monitoring parameters and protocols used to determine whether performance standards have been met will follow California Salmonid Stream Habitat Restoration Manual — 4th Edition — Part III, Habitat

Inventory Methods and Part VIII, Project Evaluation and Monitoring.

Reporting Plan: Following the completion of these project monitoring components, a final report will be submitted to the grant manager and all of the appropriate regulatory agencies (NMFS, USACOE, NCRWQCB, and CDFW). This report will include the findings that result from pre- and post-project monitoring. These findings should indicate the achievement of performance standards that are relative to the project goals. Each report will include the following information:

- Summary of findings.
- Identification and discussion of problems with achieving performance standards.
- Proposed corrective measures (requires Regional Water Board approval).
- Monitoring data

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicant’s NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: Scott.Monday@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures con-

tained in the approved NOA, and comply with other conditions described in the NOI.

DEPARTMENT OF FISH AND WILDLIFE

**HABITAT RESTORATION AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653-2018-022-001-R1**

Project: Upper Signal Creek Large Wood Augmentation Project
Location: Mendocino
Applicant: Elizabeth Mackey, Trout Unlimited

Background

Project Location: The Upper Signal Creek Large Wood Augmentation Project, (Project) is located at a property owned by The Conservation Fund, LLC, Assessor Parcel Numbers (APN) 14119027, 14119031, 14119030, 14119026, 14118004, 14105023, 14118018, and 14118020, and affects 2.0 miles of Signal Creek, tributary to the Garcia River, in the County of Mendocino, California. The project reach begins approximately 0.7 miles upstream of the confluence with the Garcia River and extends upstream for 2.0 miles. Coordinates of the Project are approximately latitude 38.8756° North and longitude 123.4903° West at the downstream end and latitude 38.8731° North and longitude 123.4609° West at the upstream end. Signal Creek supports populations of coho salmon (*Oncorhynchus kisutch*) and steelhead trout (*O. mykiss*).

Project Description: Trout Unlimited (Applicant) proposes to enhance or restore habitat within Signal Creek to provide a net conservation benefit for coho salmon and steelhead trout. The Project includes the installation of approximately 100 individual pieces of wood at 43 individual sites along 2.0 miles to increase and improve the quality and quantity of salmonid habitat in the Signal Creek. This will effectively increase stream complexity and shelter values while simultaneously improving pool frequency and depth for rearing juvenile salmonids. Large wood that is within the active stream channel will provide velocity refugia for fish during peak winter flows, decrease average water velocities, and sort spawning gravels. It is anticipated that the habitat created through the placement of this large wood material will be readily utilized by fish following a season of scouring flows.

Project Size: The total area of ground disturbance associated with the Project is approximately 3.26 acres and 240 linear feet. The Applicant has included project

size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 100 individual trees (774 cubic yards of large woody material), and (2) 3 cubic yards of soil.

Project Timeframes:

Start date: August 2018
Completion date: October 2022
Work window: August 1- October 31

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B180067WNME, Electronic Content Management Identification (ECM PIN) No. CW-847819 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to coho salmon and steelhead trout and other fish and wildlife resources.

Receiving Water:

Signal Creek, tributary to the Garcia River

Filled or Excavated Area:

Permanent area impacted: none
Temporary area impacted: 3.26 acres riparian
Length permanently impacted: none
Length temporarily impacted: 240 linear feet

Project Size:

3.26 acres and 240 linear feet

Discharge Volume:

774 cubic yards of large woody material
3 cubic yards of soil

Project Location:

Upstream: Latitude 38.8731° North and Longitude 123.4609° West

Downstream: Latitude 38.8756° North and Longitude 123.4930° West (NAD 83)

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with

the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 20, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 26, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2018-0626-05) on July 6. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization requirements are found in an attachment to the NOI, V. PART F — Avoidance and Minimization Methods. Supplemental avoidance and/or minimization measures to protect foothill yellow-legged frogs, ***Supplemental avoidance and/or minimization measures to protect fish, wildlife, and plant resources***, was supplied with the HREA application, and it contains the following categories: (1) Conduct a Pre-Project Breeding Survey, (2) Conduct a Pre-Construction Survey, (3) Construction Monitoring, (4) Reporting Instructions, and (5) Decontamination Protocol.

Monitoring and Reporting

Pursuant to Fish and Game Code section 1653 subdivision (g), the Applicant has submitted a Monitoring and Reporting Plan containing the following elements: (1) CDFW Level II Habitat Typing Assessment, (2) lon-

gitudinal profile survey, and (3) photographic monitoring.

Monitoring Plan: Monitoring is planned for all implemented structures, consisting of photographic monitoring and large wood material monitoring. Prior to implementation, project partners Blencowe Watershed Management (BWM) will complete pre-project photographic monitoring at each large wood site, using permanent photo points and where opportunistic photo points as needed. Each large woody material (LWM) log will also be tagged with an aluminum tag to track and monitor transport and function within the project area. BWM and/or Applicant staff will conduct the monitoring August through October of each year of implementation, prior to implementation and again following at least one winter after implementation. All monitoring results will be provided following completion.

The primary performance measures that will evaluate this project's goal of increasing LWM in the Signal Creek will include LWM wood counts and project photographs. This pre-project survey will provide baseline data to determine geomorphic change adjacent to structures and to track LWM movement and recruitment following installation.

Monitoring parameters and protocols used to determine whether performance standards have been met will follow California Salmonid Stream Habitat Restoration Manual — 4th Edition — Part III, Habitat Inventory Methods and Part VIII, Project Evaluation and Monitoring.

Reporting Plan: Following the completion of these project monitoring components, a final report will be submitted to the grant manager and all of the appropriate regulatory agencies (NMFS, USACOE, NCRWQCB, and CDFW). This report will include the findings that result from pre- and post-project monitoring. These findings should indicate the achievement of performance standards that are relative to the project goals. Each report will include the following information:

- Summary of findings.
- Identification and discussion of problems with achieving performance standards.
- Proposed corrective measures (requires Regional Water Board approval).
- Monitoring data

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum:

- photographs with a descriptive title;

- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicant’s NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: Scott.Monday@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

DEPARTMENT OF FISH AND WILDLIFE

**HABITAT RESTORATION AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653–2018–023–001–R1**

Project: South Branch North Fork Navarro River Large Wood Augmentation Project

Location: Mendocino

Applicant: Elizabeth Mackey, Trout Unlimited

Background

Project Location: The South Branch North Fork Navarro River Large Wood Augmentation Project (Project) is located at a property owned by Mendocino

Redwood Company, Assessor Parcel Numbers (APN) 15315001, 15316003, 15318001, and 15323001, and affects 1.0 mile of South Branch North Fork Navarro River, tributary to the North Fork Navarro River, in the County of Mendocino, California. The project reach begins near the confluence of Shingle Mill Creek with the South Branch North Fork Navarro River and extends upstream for 1.0 mile. Coordinates of the Project are approximately latitude 39.1594° North and longitude 123.4255° West at the downstream end and latitude 39.1511° North and longitude 123.4124° West at the upstream end. South Branch North Fork Navarro River supports populations of coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead trout (*O. mykiss*).

Project Description: Trout Unlimited (Applicant) proposes to enhance or restore habitat within South Branch North Fork Navarro River to provide a net conservation benefit for coho salmon, Chinook salmon, and steelhead trout. The Project includes the installation of approximately 50 individual pieces of wood at 15 individual sites along 1.0 mile to increase and improve the quality and quantity of salmonid habitat in the South Branch North Fork Navarro River. This will effectively increase stream complexity and shelter values while simultaneously improving pool frequency and depth for rearing juvenile salmonids. Large wood that is within the active stream channel will provide velocity refugia for fish during peak winter flows, decrease average water velocities, and sort spawning gravels. It is anticipated that the habitat created through the placement of this large wood material will be readily utilized by fish following a season of scouring flows.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.88 acres and 80.00 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 50 individual trees (172 cubic yards of large woody material), and (2) 2 cubic yards of soil.

Project Timeframes:

Start date: August 2018

Completion date: October 2022

Work window: August 1–October 31

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration in-

tended to improve the quality of waters in California, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B180068WNME, Electronic Content Management Identification (ECM PIN) No. CW-847823 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to coho salmon, Chinook salmon, steelhead trout and other fish and wildlife resources.

Receiving Water:

South Branch North Fork Navarro River, tributary to the North Fork Navarro River

Filled or Excavated Area:

- Permanent area impacted: none
- Temporary area impacted: 0.88 acres riparian
- Length permanently impacted: none
- Length temporarily impacted: 80 linear feet

Project Size:

0.88 acres and 80 linear feet

Discharge Volume:

- 172 cubic yards of large woody material
- 2 cubic yards of soil

Project Location:

Downstream: Latitude 39.1594° North and Longitude 123.4255° West

Upstream: Latitude 39.1511° North and Longitude 123.4124° West (NAD 83)

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 20, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 26, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2018-0626-09) on July 6. Upon approval,

CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization requirements are found in an attachment to the NOI, V. PART F — Avoidance and Minimization Methods. Supplemental avoidance and/or minimization measures to protect foothill yellow-legged frogs, ***Supplemental avoidance and/or minimization measures to protect fish, wildlife, and plant resources***, was supplied with the HREA application, and it contains the following categories: (1) Conduct a Pre-Project Breeding Survey, (2) Conduct a Pre-Construction Survey, (3) Construction Monitoring, (4) Reporting Instructions, and (5) Decontamination Protocol.

Monitoring and Reporting

Pursuant to Fish and Game Code section 1653 subdivision (g), the Applicant has submitted a Monitoring and Reporting Plan containing the following elements: (1) CDFW Level II Habitat Typing Assessment, (2) longitudinal profile survey, and (3) photographic monitoring.

Monitoring Plan: Monitoring is planned for all implemented structures, consisting of photographic monitoring and large wood material monitoring. Prior to implementation, project partners Mendocino Redwood Company (MRC) will complete pre-project photographic monitoring at each large wood site, using permanent photo points and where opportunistic photo points as needed. Each large woody material (LWM) log will also be tagged with an aluminum tag to track and monitor transport and function within the project area. MRC and/or Applicant staff will conduct the monitoring August through October of each year of implementation,

prior to implementation and again following at least one winter after implementation. All monitoring results will be provided following completion.

The primary performance measures that will evaluate this project's goal of increasing LWM in the South Branch North Fork Navarro River will include LWM wood counts and project photographs. This pre-project survey will provide baseline data to determine geomorphic change adjacent to structures and to track LWM movement and recruitment following installation.

Monitoring parameters and protocols used to determine whether performance standards have been met will follow California Salmonid Stream Habitat Restoration Manual — 4th Edition — Part III, Habitat Inventory Methods and Part VIII, Project Evaluation and Monitoring.

Reporting Plan: Following the completion of these project monitoring components, a final report will be submitted to the grant manager and all of the appropriate regulatory agencies (NMFS, USACOE, NCRWQCB, and CDFW). This report will include the findings that result from pre- and post-project monitoring. These findings should indicate the achievement of performance standards that are relative to the project goals. Each report will include the following information:

- Summary of findings.
- Identification and discussion of problems with achieving performance standards.
- Proposed corrective measures (requires Regional Water Board approval).
- Monitoring data.

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring

plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: Scott.Monday@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**ANNOUNCEMENT OF THE
DEVELOPMENTAL AND REPRODUCTIVE
TOXICANT IDENTIFICATION COMMITTEE
MEETING SCHEDULED FOR
OCTOBER 11, 2018
AND AVAILABILITY OF HAZARD
IDENTIFICATION MATERIALS FOR NICKEL
AND NICKEL COMPOUNDS**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of

Proposition 65¹. The Developmental and Reproductive Toxicant Identification Committee (DARTIC) of OEHHA's Science Advisory Board serves as the state's qualified experts and renders an opinion about whether a chemical has been clearly shown to cause reproductive toxicity². The chemicals so identified by the DARTIC are added to the Proposition 65 list.

Nickel and nickel compounds will be considered for possible listing by the DARTIC at a public meeting scheduled for **Thursday, October 11, 2018**. The meeting will be held in the Sierra Hearing Room at the CalEPA Headquarters building, 1001 I Street, Sacramento, California. The meeting will begin at 10 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the meeting.

OEHHA announces the availability for public review of the hazard identification document entitled: "Evidence on the Developmental and Reproductive Toxicity of Nickel and Nickel Compounds." The DARTIC will consider this document in making any listing decision on nickel and nickel compounds at its October 11, 2018 meeting. In preparing this document, OEHHA issued a request for information relevant to the assessment of the evidence of developmental and male and female reproductive toxicity for nickel and nickel compounds. The data call-in period for nickel and nickel compounds opened on February 19, 2016, and closed on April 4, 2016. OEHHA considered information received from the data call-in in preparing the hazard identification document. Copies of the document are available from OEHHA's website at www.oehha.ca.gov/proposition-65. The document may also be requested from OEHHA's Proposition 65 Implementation Office by calling (916) 445-6900.

This notice marks the beginning of a 45-day comment period on this document. **OEHHA must receive comments and any supporting materials by 5 p.m. on Monday, September 11, 2018.** Parties who identify data relevant to the potential developmental, male and female reproductive toxicity of nickel and nickel compounds that are not included in the hazard identification materials are encouraged to submit them to OEHHA during the public comment period. All timely filed public comments and supporting materials will be provided to DARTIC members in advance of the meeting. The public is also able to make oral comments at the meeting. Public comments at the meeting will be limited to five minutes per commenter, except for those com-

menters who make requests by September 11, 2018 and receive approval from the Chair for longer comments. If you would like to make public comments to the Committee exceeding five minutes, please submit a request with an estimate of the time you will need and the reason you are requesting additional time, to the Proposition 65 mailbox at P65Public.Comments@oehha.ca.gov or call the Proposition 65 Implementation Office at (916) 445-6900 by 5 p.m. on September 11, 2018.

Comments on the hazard identification document may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below.

Mailing Address: Michelle Ramirez
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-12B
Sacramento, California
95812-4010

Street Address: 1001 I Street
Sacramento, California 95814

Fax: (916) 323-2265

Comments received during the public comment period will be posted on the OEHHA website in advance of the meeting. Electronic files submitted should not have any form of encryption because OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

If you have any questions, please contact Michelle Ramirez at Michelle.Ramirez@OEHHA.ca.gov or (916) 445-6900.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2018-0706-01
CALIFORNIA HIGHWAY PATROL
Explosives Routes and Stopping Places

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*, commonly referred to as "Proposition 65."

² Title 27, Cal. Code of Regs., Section 25302 *et seq.*

This action amends designated routes for transportation of explosives by commercial vehicles in the Barstow–Hinkley area and corrects the location of a safe stopping place near the Oregon Border.

Title 13
 AMEND: 1151.1, 1152.4, 1152.4.1
 Filed 07/16/2018
 Effective 07/16/2018
 Agency Contact: Tian–Ting Shih (916) 843–3400

File# 2018–0606–01
 CALIFORNIA HORSE RACING BOARD
 Beneficiaries, Welfare Programs and Activities

This action by the California Horse Racing Board expands the pool of persons eligible to receive health care services provided by the welfare fund in accordance with Business and Professions Code section 19641, as amended by Assembly Bill 1723 (Stats. 2017, ch. 420).

Title 4
 AMEND: 2050
 Filed 07/18/2018
 Effective 07/18/2018
 Agency Contact: Harold Coburn (916) 263–6026

File# 2018–0613–01
 DEPARTMENT OF SOCIAL SERVICES
 Financial Distress in Residential Care Facilities for the Elderly

In this regular rulemaking action, the Department of Social Services amends a section in its Manual of Policies and Procedures and Title 22 of the California Code of Regulations. The amendment requires licensees of Residential Care Facilities for the Elderly to notify in writing the Department, the State Long–Term Care Ombudsman, all residents and applicants of potential residence, and, if applicable, their representatives, of specified events related to financial distress. Failure to comply with the requirement may result in civil penalties and/or license suspension or revocation.

Title 22, MPP
 AMEND: 87211
 Filed 07/12/2018
 Effective 10/01/2018
 Agency Contact: Oliver Chu (916) 657–3588

File# 2018–0703–02
 DEPARTMENT OF WATER RESOURCES
 Inundation Maps

This is the second re-adoption of emergency rulemaking action no. 2017–1009–03E by the Department of Water Resources, which established criteria for dam owners to prepare and submit inundation maps for re-

view and approval pursuant to Water Code sections 6160 and 6161.

Title 23
 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18
 Filed 07/12/2018
 Effective 07/18/2018
 Agency Contact: Kristen Martin (916) 227–2170

File# 2018–0604–01
 OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT
 Proposition 65 Metham Sodium MADL

This action establishes a Proposition 65 Maximum Allowable Dose Level for exposure to Metham Sodium of 290 micrograms per day.

Title 27
 AMEND: 25805
 Filed 07/17/2018
 Effective 10/01/2018
 Agency Contact:
 Esther Barajas–Ochoa (916) 322–2068

File# 2018–0605–02
 STATE LANDS COMMISSION
 Legislative Jurisdiction Hearing Requirements

Title 2
 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705
 Filed 07/17/2018
 Effective 10/01/2018
 Agency Contact: Patrick Huber (916) 574–0728

This action repeals Articles 7 and 8 of Title 2 of the California Code of Regulations, which grant the Commission authority to cede concurrent criminal legislative jurisdiction to the United States and accept retrocessions of legislative jurisdiction from the United States, respectively.

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN February 14, 2018 TO
 July 18, 2018**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

05/21/18 AMEND: 44

Title 2

07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705

07/03/18 ADOPT: 18308, 18308.1, 18308.2, 18308.3

06/21/18 AMEND: 1859.190, 1859.194, 1859.195, 1859.198

06/19/18 AMEND: 554.7

05/17/18 ADOPT: 11027.1 AMEND: 11028

05/16/18 ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165

05/09/18 AMEND: 321

05/09/18 AMEND: 11034

04/25/18 AMEND: 18401

04/25/18 AMEND: 18450.1

04/23/18 ADOPT: 1859.90.4 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.5

04/16/18 AMEND: 1859.2, 1859.51, 1859.70, 1859.82, 1859.93.1

04/12/18 AMEND: 1859.2, 1859.81

04/04/18 AMEND: 41000

04/02/18 ADOPT: 243, 243.1, 243.2, 243.3, 243.4, 243.5, 243.6, 548.120, 548.120.1, AMEND: 249, 266, 266.1, 266.2, 266.3, 548.121, 548.122, 548.123, 548.124

04/02/18 AMEND: 38000, 38000.5, 38000.10

03/20/18 AMEND: 18746.1, 18746.4

03/20/18 AMEND: 18746.3

03/20/18 REPEAL: 18901

03/14/18 ADOPT: 61200, 61201, 61210, 61211, 61212, 61213, 61214, 61215, 61216, 61217

03/12/18 AMEND: 586.1(a)

03/12/18 ADOPT: 599.855

03/08/18 ADOPT: 20020, 20021, 20022, 20023, 20024, 20025, 20026, 20027

02/27/18 AMEND: 1181.2, 1181.3, 1182.2, 1182.7, 1182.9, 1182.10, 1182.15, 1183.1, 1183.2, 1183.3, 1183.4, 1183.6, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.15, 1183.16, 1183.17, 1184.1, 1185.1, 1185.2, 1185.3, 1185.7, 1185.8, 1186.2, 1186.4, 1187.5, 1187.7, 1187.8, 1187.9, 1187.12, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5

02/22/18 AMEND: 58100

02/22/18 AMEND: 59800

Title 3

06/28/18 AMEND: 3435(b)

06/21/18 AMEND: 3439(b)

06/21/18 AMEND: 3591.5

06/18/18 AMEND: 1280.11

06/04/18 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608

05/30/18 AMEND: 3439(b)

05/24/18 AMEND: 3439(b)

05/24/18 AMEND: 6502

05/18/18 AMEND: 3439(b)

04/30/18 AMEND: 3439(b)

04/04/18 AMEND: 3591.15

03/27/18 AMEND: 3439(b)

03/26/18 AMEND: 3439(b)

03/13/18 AMEND: 3591.15

03/01/18 AMEND: 6628

02/27/18 AMEND: 3439(b)

02/16/18 AMEND: 3439(b)

Title 4

07/18/18 AMEND: 2050

07/09/18 AMEND: 10325, 10326

07/03/18 AMEND: 10152, 10153, 10154, 10155, 10158 (amended and renumbered), 10159 (amended and renumbered), 10160 (amended and renumbered). REPEAL: 10156, 10157

07/02/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100

05/30/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15

05/25/18 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259

05/17/18 AMEND: 12590

05/15/18 AMEND: 12204, 12220, 12238, 12560

04/30/18 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.9, 10170.10

04/10/18 AMEND: 10179

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 30-Z

04/09/18	ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100	32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996, 32997 REPEAL: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330
03/29/18	AMEND: 7051, 7054, 7055, 7056, 7063, 7071	
03/22/18	AMEND: 1699	
03/15/18	ADOPT: 8078.22, 8078.23, 8078.24, 8078.25, 8078.26, 8078.27, 8078.28, 8078.29, 8078.30, 8078.31, 8078.32, 8078.33, 8078.34, 8078.35 AMEND: 8070, 8071, 8072, 8073, 8074, 8076, 8078.3 REPEAL: 8078.1, 8078.2	
03/13/18	AMEND: 5032, 5033, 5170, 5180, 5190, 5193, 5194, 5230, 5240, 5255, 5260, 5342, 5350, 5400, 5700	
03/05/18	AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15	
02/23/18	ADOPT: 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229	
02/22/18	AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337 REPEAL: 10325.5	
02/21/18	AMEND: 1865	
02/21/18	AMEND: 1689, 1689.1	
02/15/18	AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337	05/08/18 AMEND: 9789.31, 9789.32, 9789.39
Title 5		04/27/18 AMEND: 9789.25
07/03/18	ADOPT: 71396, 71397, 71398, 71399	03/19/18 AMEND: 344.18
06/21/18	AMEND: 19810	03/09/18 ADOPT: 3345
06/07/18	AMEND: 19810	02/27/18 ADOPT: 2320.11, 2940.11, 2940.12, 2940.13, 2940.14, 2940.15, 2940.16, 2940.17, 2940.18, 2940.19, 2943.1, 2944.1, 3428 AMEND: 2300, 2320.2, 2320.7, 2320.8, 2340.17, 2700, 2887, 2940, 2940.1, 2940.2, 2940.5, 2940.6, 2940.7, 2940.8, 2940.10, 2941, 2941.1, 2943, 2944, 2945, 2946, 2951, 3314, 3389, 3422, 3425, 5156, 8617 REPEAL: 2893
05/18/18	ADOPT: 11301, 11309, 11310, 11311, 11312 AMEND: 11300, 11316 REPEAL: 11301, 11309, 11310	
05/08/18	AMEND: 75020	
04/30/18	AMEND: 41906.5, 41906.6	
04/30/18	AMEND: 42909	
02/26/18	ADOPT: 71396	
02/20/18	ADOPT: 11526 AMEND: 11520, 11524, 11525	
02/20/18	ADOPT: 11534.1 AMEND: 11530, 11533, 11534	Title 9
Title 8		06/21/18 AMEND: 4350
05/30/18	AMEND: 1618.1	05/17/18 AMEND: 3850, 3850.010
05/17/18	ADOPT: 11770, 11771, 11771.1, 11771.2, 11772, 11773	05/14/18 AMEND: 3560, 3560.010, 3560.020, 3705, 3726, 3735, 3750, 3755
05/08/18	AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135,	05/08/18 ADOPT: 4020, 4020.1
		03/20/18 AMEND: 7140.5
		Title 10
		06/13/18 AMEND: 2498.5
		05/31/18 AMEND: 2715, 2728.5, 2752
		05/22/18 AMEND: 2498.6

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 30-Z

04/20/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6538
 03/27/18 AMEND: 30.60 REPEAL: 30.105
 03/26/18 AMEND: 2318.6, 2353.1, 2354
 03/26/18 AMEND: 2318.6, 2353.1
 03/22/18 AMEND: 3525, 3527, 3561, 3569, 3570, 3575, 3602, 3603, 3681
 03/20/18 AMEND: 3541
 03/07/18 AMEND: 6656, 6657, 6660, 6664
 02/23/18 AMEND: 2644.18, 2644.20

Title 11

06/21/18 AMEND: 1005
 06/18/18 AMEND: 1005, 1007, 1008, 1052
 06/13/18 ADOPT: 51.32
 06/05/18 AMEND: 1005, 1007, 1008
 06/05/18 ADOPT: 49.18
 05/21/18 ADOPT: 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522
 04/11/18 ADOPT: 118.1
 04/03/18 AMEND: 51.26
 04/03/18 ADOPT: 51.30
 03/29/18 AMEND: 2021
 03/13/18 AMEND: 1045
 03/07/18 AMEND: 115.1
 03/07/18 AMEND: 115.2
 03/07/18 AMEND: 115.3
 03/07/18 AMEND: 115.4
 03/07/18 AMEND: 115.5
 02/27/18 AMEND: 1951, 1953, 1954, 1955, 1956, 1959, 1960
 02/22/18 AMEND: 1009
 02/22/18 AMEND: 1001, 1005, 1008
 02/22/18 ADOPT: 80.4

Title 12

07/05/18 AMEND: 451, 452, 453, 454, 455

Title 13

07/16/18 AMEND: 1151.1, 1152.4, 1152.4.1
 06/12/18 ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264
 05/30/18 ADOPT: 125.19 AMEND: 125.00, 125.02 REPEAL: 127.06
 05/07/18 AMEND: 423.00
 04/26/18 AMEND: 1153
 04/18/18 AMEND: 1151.9.1
 03/12/18 AMEND: Appendix (Article 2.0)
 02/27/18 ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269
 02/26/18 ADOPT: 227.38, 227.40, 227.42, 228.00, 228.02, 228.04, 228.06, 228.08, 228.10, 228.12, 228.14, 228.16, 228.18, 228.20, 228.22, 228.24, 228.26, 228.28 AMEND: 227.02, 227.04, 227.12,

227.14, 227.16, 227.18, 227.20, 227.22, 227.24, 227.26, 227.28, 227.30, 227.32, 227.34, 227.36, 227.38, 227.40, 227.42, 227.44, 227.46, 227.48, 227.50, 227.52, 227.54
 02/15/18 AMEND: 170.00 renumbered as 206.00, 170.02 renumbered as 206.02, 170.04 renumbered as 206.04, 170.06 renumbered as 206.06, 170.08 renumbered as 206.08, 170.10 renumbered as 206.10, 170.12 renumbered as 206.12, 171.00 renumbered as 206.20, 171.02 renumbered as 206.22, 172.00 renumbered as 206.30, 172.05 renumbered as 206.35, 172.10 renumbered as 206.40, 173.00 renumbered as 206.50, 173.02 renumbered as 206.52, 173.04 renumbered as 206.54, 173.06 renumbered as 206.56, 173.08 renumbered as 206.58, 174.00 renumbered as 206.60, 180.00 renumbered as 206.62, 180.02 renumbered as 206.64, and 181.00 renumbered as 206.66

Title 14

07/05/18 AMEND: 1038
 07/02/18 AMEND: 916.9, 936.9, 956.9
 06/28/18 ADOPT: 1726, 1726.1, 1726.2, 1726.3, 1726.3.1, 1726.4, 1726.4.1, 1726.4.2, 1726.4.3, 1726.5, 1726.6, 1726.6.1, 1726.7, 1726.8, 1726.9, 1726.10 REPEAL: 1724.9
 06/28/18 AMEND: 18660.25, 18660.34
 06/28/18 AMEND: 502
 06/25/18 AMEND: 7.50
 06/07/18 AMEND: 1760, 1774, 1774.1, 1774.2
 05/24/18 ADOPT: 3803.1, 3803.2, 3803.3 AMEND: 3802, 3803
 05/16/18 AMEND: 131
 05/10/18 ADOPT: 29.11
 05/09/18 AMEND: 18660.5, 18660.10, 18660.21, 18660.34
 05/01/18 ADOPT: 650 AMEND: 703 REPEAL: 650
 04/24/18 AMEND: 131
 04/19/18 AMEND: 4800
 04/02/18 AMEND: 265
 04/02/18 ADOPT: 749.9
 03/29/18 AMEND: 29.15
 03/27/18 AMEND: 1038, 1299.03, 1666.0
 03/02/18 AMEND: 120.7, 705
 03/02/18 ADOPT: 197

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 30-Z

02/27/18 ADOPT: 1.18, 2.05 AMEND: 1.05, 1.11,
1.61, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00,
7.50, 8.00 REPEAL: 1.60
02/27/18 AMEND: 150, 150.02, 150.03, 705
02/22/18 ADOPT: 131
02/20/18 AMEND: 13800

Title 15

06/28/18 AMEND: 3043.3
06/14/18 AMEND: 3000, 3075.1, 3075.2, 3075.3,
3521.1, 3521.2, 3720, 3763 REPEAL:
3800, 3800.1, 3800.2, 3800.3
06/13/18 ADOPT: 3087, 3087.1, 3087.2, 3087.3,
3087.4, 3087.5, 3087.6, 3087.7, 3087.8,
3087.9, 3087.10, 3087.11, 3087.12
06/07/18 ADOPT: 3371.1 AMEND: 3043.7, 3044
REPEAL: 3371.1
05/15/18 AMEND: 3000, 3030, 3190, 3269
05/01/18 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4,
2449.5, 2449.6, 2449.7, 3043.1, 3043.2,
3043.3, 3043.4, 3043.5, 3043.6, 3490,
3491, 3492, 3493 AMEND: 3043, 3043.5
(renumbered to 3043.7), 3043.6
(renumbered to 3043.8), and 3044
REPEAL: 2449.2, 2449.3, 2449.5, 3042,
3043.1, 3043.2, 3043.3, 3043.4, 3043.7
04/17/18 ADOPT: 2240 REPEAL: 2240
04/09/18 AMEND: 3016, 3315
03/05/18 ADOPT: 3378.9, 3378.10 AMEND:
3000, 3023, 3043.8, 3044, 3084.9, 3269,
3335, 3337, 3341, 3341.2, 3341.3,
3341.5, 3341.6, 3341.8, 3341.9, 3375,
3375.1, 3375.2, 3376, 3376.1, 3378,
3378.1, 3378.2, 3378.3, 3378.4, 3378.5,
3378.6, 3378.7, 3378.8 REPEAL: 3334
03/01/18 ADOPT: 3349.1, 3349.2, 3349.3, 3349.4,
3349.5, 3349.6, 3349.7, 3349.8, 3349.9
AMEND: 3349

Title 16

06/18/18 AMEND: 1735.2
06/14/18 REPEAL: 1399.620, 1399.621,
1399.622, 1399.623
06/07/18 AMEND: 321, 364
06/04/18 ADOPT: 5000, 5001, 5002, 5003, 5004,
5005, 5006, 5007, 5008, 5009, 5010,
5011, 5012, 5013, 5014, 5015, 5016,
5017, 5018, 5019, 5020, 5021, 5022,
5023, 5024, 5025, 5026, 5027, 5028,
5029, 5030, 5031, 5032, 5033, 5034,
5035, 5036, 5037, 5038, 5039, 5040,
5041, 5042, 5043, 5044, 5045, 5046,
5047, 5048, 5049, 5050, 5051, 5052,
5053, 5054, 5055, 5300, 5301, 5302,
5303, 5304, 5305, 5306, 5307, 5308,

5309, 5310, 5311, 5312, 5313, 5314,
5315, 5400, 5401, 5402, 5403, 5404,
5405, 5406, 5407, 5408, 5409, 5410,
5411, 5412, 5413, 5414, 5415, 5416,
5417, 5418, 5419, 5420, 5421, 5422,
5423, 5424, 5425, 5426, 5500, 5501,
5502, 5503, 5504, 5505, 5506, 5600,
5601, 5602, 5603, 5700, 5701, 5702,
5703, 5704, 5705, 5706, 5707, 5708,
5709, 5710, 5711, 5712, 5713, 5714,
5715, 5716, 5717, 5718, 5719, 5720,
5721, 5722, 5723, 5724, 5725, 5726,
5727, 5728, 5729, 5730, 5731, 5732,
5733, 5734, 5735, 5736, 5737, 5738,
5739, 5800, 5801, 5802, 5803, 5804,
5805, 5806, 5807, 5808, 5809, 5810,
5811, 5812, 5813, 5814
05/15/18 AMEND: 1399.395
04/20/18 AMEND: 1749
03/19/18 AMEND: 4422
03/14/18 AMEND: 1805.1, 1811
03/05/18 AMEND: 2070, 2071
03/01/18 AMEND: 9.1, 12, 12.1, 12.5, 15.1, 16, 19,
20, 43, 45, 87.9

Title 17

06/07/18 AMEND: 30400, 30413, 30417, 30418,
30419, 30420, 30427.2 (re-numbered to
30427), 30435, 30442, 30443, 30447,
30461, 30467
06/04/18 ADOPT: 40100, 40101, 40102, 40115,
40116, 40118, 40126, 40128, 40129,
40130, 40131, 40133, 40135, 40137,
40150, 40155, 40156, 40159, 40162,
40165, 40167, 40169, 40175, 40177,
40178, 40180, 40182, 40200, 40205,
40220, 40222, 40223, 40225, 40232,
40234, 40236, 40238, 40240, 40242,
40250, 40252, 40254, 40256, 40258,
40260, 40262, 40264, 40266, 40268,
40270, 40272, 40275, 40277, 40280,
40282, 40290, 40292, 40300, 40305,
40306, 40310, 40400, 40401, 40403,
40405, 40406, 40408, 40410, 40411,
40412, 40415, 40500, 40510, 40512,
40513, 40515, 40517, 40525, 40550,
40601
05/30/18 AMEND: 95835, 95911
05/23/18 ADOPT: 51101, 51102, 51103, 51104,
51105, 51106
05/07/18 ADOPT: 98201, 98202, 98203
04/20/18 AMEND: 6000, 6025, 6035, 6040, 6045,
6050, 6051, 6055, 6060, 6065, 6070,
6075 REPEAL: 6015, 6020

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 30-Z

04/13/18 ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196

03/15/18 AMEND: 30145, 30145.1, 30205, 30231, 30275, 30278.1, 30309, 30310, 30311, 30314, 30336.8, 30408, 30409, 30456.8, 30535

Title 18

07/02/18 AMEND: 283

06/18/18 AMEND: 51

05/08/18 ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832

03/19/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35059, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5310, 5311, 5312, 5331, 5335, 5335.4, 5335.6, 5336, 5336.5, 5337, 5337.4, 5337.6, 5338, 5338.4, 5338.6, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702,

5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256, 5333, 5333.4, 5333.6

Title 20

05/29/18 ADOPT: 1314, 1353 AMEND: 1302, 1304, 1306, 1308, 1344, 2505

03/01/18 ADOPT: 1685 AMEND: 1680, 1681, 1682, 1683, 1684

Title 21

05/15/18 AMEND: 1575

Title 22

07/05/18 AMEND: 66272.62

06/29/18 ADOPT: 72329.2

06/20/18 AMEND: 97174, 97177.25

06/20/18 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211

05/09/18 AMEND: 97212, 97240, 97241, 97246, 97249

04/26/18 ADOPT: 69511.2 AMEND: 69511

04/12/18 AMEND: 7000

04/10/18 AMEND: 20000

03/01/18 AMEND: 2706-5, 2706-7

Title 22, MPP

07/12/18 AMEND: 87211

05/09/18 AMEND: 35015, 35017, 35019

04/11/18 AMEND: 101215.1, 101216.1, 101416.2

03/13/18 ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190

Title 23

07/12/18 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18

07/02/18 ADOPT: 3979.9

06/28/18 ADOPT: 3929.16

06/19/18 ADOPT: 3939.54

06/11/18 AMEND: 2924

05/24/18 AMEND: 3946, 3949.13, 3949.14

05/03/18 ADOPT: 2910.1 REPEAL: 2910.1

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 30-Z

04/19/18 ADOPT: 3949.14
04/16/18 ADOPT: 335, 335.2, 335.4, 335.6, 335.8,
335.10, 335.12, 335.14, 335.16, 335.18,
335.20
03/29/18 AMEND: 595
03/26/18 AMEND: 315, 316
03/08/18 ADOPT: 3909.6
02/22/18 AMEND: 700.1 (renumbered to 638.1),
700.2 (renumbered to 638.2), 700.3
(renumbered to 638.3), 700.4
(renumbered to 638.4), 700.5
(renumbered to 638.5), 700.6
(renumbered to 638.6)

Title 25
06/04/18 ADOPT: 6932 REPEAL: 6932

Title 27
07/17/18 AMEND: 25805

06/14/18 AMEND: 15100, 15110, 15120, 15130,
15150, 15160, 15170, 15180, 15185,
15186, 15186.1, 15187, 15188, 15190,
15200, 15210, 15240, 15241, 15242,
15250, 15260, 15280, 15290, 15320,
15330, Appendix A, Appendix B,
Appendix C
06/07/18 AMEND: 27001
05/09/18 AMEND: 25705
04/06/18 AMEND: 25705

Title MPP
06/26/18 AMEND: 41-440, 42-711, 42-716,
42-717, 44-207
06/25/18 AMEND: 44-316, 44-350
06/12/18 AMEND: 22-001, 22-003, 22-004,
22-009, 22-045, 22-050, 22-051,
22-054, 22-062, 22-065, 22-069,
22-071, 22-072, 22-073, 22-085